

#### THE

## JAMMU AND K ASHMIR OFFICIAL GAZETTE

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### **PART I-A**

#### Jammu & Kashmir Government-Orders

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#### HIGH COURT OF JAMMU AND KASHMIR AT JAMMU/ SRINAGAR

(Exercising powers of Bar Council under Section 58 of the Advocates Act, 1961).

#### Notification

No. 535 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Mr. Simple Sharma S/o Lal Chand R/o Village Patyari, P/O Sarna, Tehsil and District Samba has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of his Provisional/LL.B Degree Certificate from the concerned University and verification of his character and antecedents from CID. His name has been entered under Serial No. JK-87/2021 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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#### Notification

No. 536 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Ms. Suwaiba D/o Mohammad Amin Malik R/o Umer Colony B, Lane No. 581, Lal Bazar, Srinagar has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification,

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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#### Notification

No. 537 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Mr. Syed Wajid-ul-Zafar-Zafar S/o Syed Zafar-ul-Islam R/o Peerpora, Astan Mohalla, Tehsil Keegam, District Shopian has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of his Provisional/LL.B Degree Certificate from the concerned University and verification of his character and antecedents from CID. His name has been entered under Serial No. JK-89/2021 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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#### Notification

No. 538 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Ms. Ifrah Yasin D/o Mohd Yasin R/o Sector B, House No. 65, Budshah Nagar, Natipora, Srinagar A/P Block-B, Flat No. 222, Sainik Colony, Adarsh Vihar, Near Jodhamal School, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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#### Notification

No. 539 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Ms. Jeemi Nargotra D/o Jagdish Nargotra R/o H. No. 459, Kacha Talab, Bahufort, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-32/2021 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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#### Notification

No. 540 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Mr. Junaid Firdous Baba S/o Firdous Ahmad Baba R/o Bata Kadal, Lal Bazar, Near Islamia High School, Tehsil Eid Gah, Srinagar has been admitted and enrolled as an Advocate on the Rolls of Jammu and

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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#### Notification

No. 541 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Mr. Kacho Mohd Amil Khan S/o Kacho Mohd Akbar Khan R/o H. No. 252, Baroo Colony, Kargil has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of his Provisional/LL.B Degree Certificate from the concerned University and verification of his character and antecedents from CID. His name has been entered under Serial No. JK-35/2021 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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#### Notification

No. 542 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Ms. Kanchan Bala D/o Sh. Krishan Lal R/o Chakrohi, Near Krishna Mandir Suchetgarh, Jammu has been admitted and enrolled as an

Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-36/2021 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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#### Notification

No. 543 of 2021/RG Dated 31-03-2021.

It is hereby notified that vide High Court Order dated 23-03-2021 Ms. Kanchan Sharma D/o Rattan Lal Sharma R/o H. No. 839, Lane No. 10, Rajpora Mangotrian, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-37/2021 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

(Sd.) MOHAMMAD YASIN BEIGH,

Registrar (Adm.).



#### THE

#### JAMMU AND KASHMIR OFFICIAL GAZETTE

#### PART I—B

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR, CIVIL SECRETARIATÔ REVENUE DEPARTMENT.

Subject :ô Acquisition of land measuring 54 Kanals 08 Marlas 08 Sirsai in Village Nerojal, Tehsil Thannamandi, District Rajouri for widening of Rajouri-Thannamandi road by GREF.

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Notification No. 18-Rev (LAJ) of 2021

Dated 10-03-2021.

Whereas, the land, specifications whereof are given in Annexure-"A" to this notification is required for the public purposes viz. widening of Rajouri-Thanamandi Road situated at Village Nerojal, Tehsil Thanamandi, District Rajouri Road by GREF; and

Whereas, on the basis of an indent placed by the Officer Commanding, 58, RCC (GREF) C/o 56, APO, vide No. 21069/FC/Indent/10/E2LA dated 24-07-2019, a notification under section 4 (1) was issued by Collector, Land Acquisition, Defence (CLAD), Rajouri-Poonch, Headquarter, Rajouri vide No. Coll/Def/2019-20/885-89 dated 16-10-2019 for land measuring 54 Kanals 08 Marlas and 08 Sarsai situated at Village Nerojal, Tehsil Thanamandi, District Rajouri, calling upon the land owners/interested persons to file objections. Some of the land owners/interested persons filed objections as required under sections 5 & 5-A of the Land Acquisition Act; and

Whereas, the District Collector (DC), Rajouri vide letter dated 02-12-2020 has reported that the Officer Commanding in his comments regarding the objections has stated that :ô

- (i) The alignment of proposed road for widening based on the technical consideration for best possible design. Widening on valley side is generally not adopted as it requires filling work which is not a very good option for stable base. Therefore, alignment is based on the cutting on the hill side for widening and for the improvement on the existing road, it is practically impossible that all the houses and shops can be saved coming under the alignment.
- (ii) That it will be difficult to align a road in a Zig-Zag manner to avoid one or two structures which will defeat the technical soundness of the road making it more prone to road accidents too.

Whereas, the District Collector (DC), Rajouri vide No. DCR/2019-20/SQ/2546 dated 28-12-2019 read with letter No. Coll/Def/2020/842-43 dated 02-12-2020 has reported that after thoroughly going through the objections raised by the land owners/interested persons and stand taken by the Indenting Department is of the opinion that only two structures are coming under the alignment of said road, which cannot be saved, as the project holds great public and strategic importance and attachment with security of the Country. Moreover, land owners shall be paid compensation of structures as per the law governing the subject; and

Whereas, the District Collector (DC), Rajouri vide above referred letter submitted the case to Divisional Commissioner, Jammu for its submission to the Government for issuance of declaration under section 6 and directive under section 7 for acquisition of subject land; and

Whereas, the Divisional Commissioner, Jammu vide No. 502/4041/GREF/Nerojal/Raj/19/4177 dated 14-01-2020 read with No. 502/4041/GREF/Nerojal/Rajouri/20/6210 dated 16-12-2020 endorsed the recommendations of District Collector (DC), Rajouri and submitted the case to Financial Commissioner (Revenue). Further endorsed the same to the Administrative Department vide No FC-LS/LA-5139/2020 dated 05-03-2020 read with letter of even number dated 12-02-2021; and

Whereas, the objections have been examined in the department, the Collector has given due opportunity of being heard to the land owners/interested persons, therefore, in view of the stand taken by the Collector, Land Acquisition (Defence), Rajouri/Poonch, Hq. Rajouri, Indenting Department and strategic importance attached with the security of the Country, the objections so raised are found to be without merit and are accordingly rejected; and

Whereas, the Government is satisfied that the land particulars whereof are given at Annexure "A" to this notification is required for public purpose viz. widening of Rajouri-Thanamandi Road situated at Village Nerojal, Tehsil Thanamandi, District Rajouri by GREF.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 54 Kanals, 08 Marlas and 08 Sarsai situated at Viliage Nerojal, Tehsil Thanamand, District Rajouri particulars whereof are given in Annexure "A" to this notification is required for public purpose viz. widening of Rajouri-Thanamandi Road by GREF. Further, the Collector, Land Acquisition, Defence (CLAD), Rajouri-Poonch, Headquarter, Rajouri is directed under section 7 of the said Act to take orders for acquisition of the said land after giving prescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of lands involved in the

#### (Sd.) SHALEEN KABRA, IAS,

Principal Secretary to the Government.

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#### Annexure-A

#### Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
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1	2	3	4	5
óóóóóóóóó	óóóóóóóóóóóóó	óóóóóóóóóóóó	óóóóóóóóóóóó	óóóóóóóóó
				K. M. S.
Rajouri	Thannamandi	Nerojal	278/17	00-18-08
			278/17	00-02-00
			276/17	00-13-03
			276/17	01-05-05
			276/17	02-06-06
			276/17	00-01-05
			276/17	00-05-00
			276/17	00-05-05
			276/17	00-01-00
			276/17	00-02-02
			281/17	01-04-04
			280/17	00-05-00
			325/283/17	00-05-00

325/283/17	K. M. S. 00-12-00
325/283/17	00-07-08
282/17	00-01-07
282/17	01-08-01
283/17	02-10-00
41	03-01-03
50	04-15-01
196	00-03-03
197	01-05-02
209	05-07-05
211	01-10-01
212	02-07-08
278/17	01-00-00
278/17	01-11-00
276/17	00-13-03
276/17	00-01-00
276/17	00-02-07
276/17	00-13-03
276/17	00-02-00
276/17	00-01-03
278/17	00-07-03
281/17	00-02-02
280/17	05-01-06

		ette, 19th Aug., 2021/2 66666666666666666666666666666666666		
1	2	3	4	5
óóóóóóó	óóóóóóóóóóóóó	δόόόόόόόόόό	óóóóóóó	óóóóóóóóóó
			280/17	K. M. S. 00-02-07
		325/2	283/17	00-17-03
		325/2	283/17	00-02-06
			282/17	00-04-07
			282/17	00-03-01
			282/17	00-06-06
		2	276/17	00-17-07
			45	06-17-02
			18	00-09-04
			47	01-14-03
			207	00-01-00
			210	00-14-00
			212	00-03-03
			217	00-11-08
				óóóóóó
		G	i. Total	54-08-08

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## GOVERNMENT OF JAMMU AND KASHMIR, CIVIL SECRETARIATô REVENUE DEPARTMENT.

Subject :ô Acquisition of land measuring 100 Kanals and 05 Sirsai situated at Village Bufliaz, Tehsil Surankote, District Poonch for widening of By-pass road Surankot-Bufliaz by GREF-Issuance of notification under sections 6 & 7 of Land Acquisition Action.

#### Dated 10-03-2021.

Whereas, the land measuring 100 Kanals and 5 Sirsai situated at Village Bufliaz, Tehsil Surankote, District Poonch is required for public purpose i. e. widening of By-pass road Surankote-Bufliaz by GREF; and

Whereas, on the basis of an indent placed by Officer Commanding 79 RCC (GREF), C/o 56, APO vide letter dated 22 Oct., 2019, a notification under section 4 (1) was issued by Collector, Land Acquisition, Defence, Rajouri/Poonch, Hq. Rajouri vide No. Coll/Def/2019-20/772-76 dated 30-09-2019 and read with corrigendum No. Coll/Def/2020/286-91 dated 11-08-2020 for land measuring 100 Kanals 05 Sirsai for Village Bufliaz, Tehsil Surankote, District Poonch for widening of Bye-Pass road Surankote-Bufliaz by GREF; and

Whereas, the District Collector (DC), Poonch vide letter No. Coll/Def/2020/55-56 dated 15-06-2020 has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act was served upon the interested persons for filing objections, if any, to the proposed acquisition, but no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act; and

Whereas, the report furnished by District Collector (DC), Poonch vide letter referred to above read with letter dated 22-08-2020 is duly endorsed by Divisional Commissioner, Jammu vide No. 502/4192/GREF/Bufliaz/P/20/5412 dated 10-09-2020 and Financial Commissioner, Revenue, J&K, Jammu vide No. FC-LS/LA-5220/2020 dated 12-10-2020 to this department for issuance of declaration under sections 6 & 7 of Land Acquisition Act; and

Whereas, the case has been examined and it is found that no land owner/interested persons has filed objections to the proposed acquisition; and

Whereas, the Government is satisfied that the land referred above is required for public purpose viz. for widening of Bye Pass road Surankote-Bufliaz by GREF situated at Village Bufliaz, Tehsil Surankote, District Poonch; and

Now, therefore, in pursuance of section 6 of the J&K Land Acquisition Act, Samvat 1990, it is declared that the land measuring 100 Kanals 05 Sirsai situated in Village Bufliaz, Tehsil Surankote, District Poonch is required for public purposes viz. widening of Bye-Pass road Surankote-Bufliaz by GREF.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of lands involved in the case for making apportionment of compensation amongst all the interested persons/rightful claimants, in accordance with the relevant laws/rules in force, while making the award.

(Sd.) SHALEEN KABRA, IAS,

Principal Secretary to Government.

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#### GOVERNMENT OF JAMMU AND KASHMIR, CIVIL SECRETARIATÔ REVENUE DEPARTMENT.

Notification No. 139-Rev (LAJ) of 2020

Dated 10-06-2020.

Whereas, the land specification whereof as given below is required for construction of road by PWD, from Kotedhara to Peeri, in Village Dharsakri, Tehsil Kotranka, District Rajouri;

Whereas, on the basis of an indent placed by the Chief Engineer, PW (R&B) Department, Jammu, a notification under section 4 (1) was issued by the Collector, Land Acquisition (ADC), Kotranka vide letter No. ADC/Ktr/525-28 dated 27-10-2019, for land measuring 04 Marlas, situated in Village Dharsakri, Tehsil Kotranka, District Rajouri;

Whereas, the Collector, Land Acquisition (ADC), Kotranka, vide letter No. ADC/Ktr/702-03 dated 07-01-2020, has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but, no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act;

Whereas, the report furnished by Collector, Land Acquisition (ADC), Kotranka vide letter referred to above duly endorsed by the District Collector (DC), Rajouri, vide No. AC/LA/849-50 dated 27-01-2020 duly endorsed by the Divisional Commissioner, Jammu vide No. 502/109/PWD/Dharsakri/Raj/20/4394 dated 13-02-2020 and endorsed by the Financial Commissioner, Revenue, J&K, Jammu vide No. FC-LS/LA-5112/2020 dated 04-03-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. construction of road by PWD from Kotedhara to Peeri, in Village Dharsakri, Tehsil Kotranka, District Rajouri.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 04 Marlas, situated in Village Gakhrote, Tehsil Kotranka, District Rajouri, construction of road by PWD from Kotedhara to Peeri, in Village Dharsakri, Tehsil Kotranka, District Rajouri. Further, the Collector, Land Acquisition (ADC), Kotranka, Rajouri directed under section 7 of the said Act to take orders for acquisition of the said land after giving pescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of lands involved in the cae for making apportionment of compensation amongst all the interested persons/rightful claimants, in accordance with the relevant laws/rules in force, while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,

Principal Secretary to Government, Revenue Department.

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#### GOVERNMENT OF JAMMU AND KASHMIR, CIVIL SECRETARIATÔ REVENUE DEPARTMENT.

#### Notification No. 141-Rev (LAJ) of 2020

#### Dated 10-06-2020.

Whereas, the land, specifications whereof are given below is required for construction of Shungri Khul by Irrigation and Flood Control Department in Village Rajdhani, Tehsil Thanamandi, District Rajouri;

District	Tehsil	Village	Kh. Nos.	Area
óóóóóóóó	óóóóóóóóóóóóó	Ισοδοσοσοσοσοσοσοσοσοσοσοσοσοσοσοσοσοσοσ	óóóóóóóóóóóó	óóóóóóóóó
				K. M. S.
Rajouri	Thanamandi	Rajdhani	829	01-15-00
			886	00-04-00
				óóóóóóó
			Total	01-19-00
				óóóóóóó

Whereas, on the basis of an indent placed by the Chief Engineer, I&FC Department, Jammu, a notification under section 4 (1) was issued by the Collector, Land Acquisition (SDM), Thanamandi vide letter No. SDM/TM/R/303-306 dated 29-06-2019, for land measuring 01 Kanal and 19 Marlas, situated in Village Rajdhani, Tehsil Thanamandi, District Rajouri;

Whereas, the District Collector, Land Acquisition (DC), Rajouri, vide letter No. AC/LA/655-56 dated 12-10-2019, has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by the Collector, Land Acquisition (SDM), Thanamandi was served upon the interested persons for filing objections, if any, to the proposed acquisition, but, no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act;

Whereas, the report furnished by District Collector, Land Acquisition (DC), Rajouri, vide letter referred to above duly endorsed by the Divisional Commissioner, Jammu vide No. 502/3816/Rajdhani/Raj/19/2613 dated 29-10-2019 and endorsed by the Financial Commissioner, Revenue, J&K, Jammu vide No. FC-LS/LA-5112/2020 dated 04-03-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition;

Whereas, the Government is satisfied that the land particular whereof are given above is required for public purpose viz. construction of Khul by Irrigation and Flood Control Department in Village Chowkian, Tehsil Darhal, District Rajouri.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 1 Kanal and 19 Marlas, situated in Village Rajdhani, Tehsil Thanamandi, District Rajouri, for construction of Khul by Irrigation and Flood Control Department in Village Rajdhani, Tehsil Thanamandi, District Rajouri. Further, the Collector, Land Acquisition (ACR), Rajouri is directed under section 7 of the said Act to take orders for acquisition of the said land after giving pescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of lands involved in the cae for making apportionment of compensation amongst all the interested persons/rightful claimants, in accordance with the relevant laws/ rules in force, while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,

Principal Secretary to Government, Revenue Department.

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#### GOVERNMENT OF JAMMU AND KASHMIR, CIVIL SECRETARIATÔ REVENUE DEPARTMENT.

#### Notification No. 142-Rev (LAJ) of 2020

#### Dated 10-06-2020.

Whereas, the land specification whereof as given below is required for construction of Khul by Irrigation and Flood Control Department in Village Chowkian, Tehsil Darhal, District Rajouri;

District	Tehsil	Village	Kh. Nos.	Area
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				K. M. S.
Rajouri	Darhal	Chowkian	2075	00-06-03
		2	2199/2078	00-05-04
			2076	00-08-00
				óóóóóóó
		T	otal Area	00-19-07
				óóóóóóó

Whereas, on the basis of an indent placed by the Chief Engineer, I&FC Department, Jammu, a notification under section 4 (1) was issue by the Collector, Land Acquisition (ACR), Rajouri vide letter No. AC/LA/563-66 dated 24-09-2019, for land measuring 19 Marlas, 07 Sarsai, situated in Village Chowkian, Tehsil Darhal, District Rajouri;

Whereas, the District Collector, Land Acquisition (DC), Rajouri, vide letter No. AC/LA/646-47 dated 11-10-2019, has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by the Collector, Land Acquisition (ACR), Rajouri was served upon the interested

Whereas, the report furnished by District Collector, Land Acquisition (DC), Rajouri, vide letter referred to above duly endorsed by the Divisional Commissioner, Jammu vide No. 502/3813/Chowkian/Raj/19/640 dated 29-10-2019 and endorsed by the Financial Commissioner, Revenue, J&K, Jammu vide No. FC-LS/LA-5112/2020 dated 04-03-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition;

Whereas, the Government is satisfied that the land perticulers whereof are given above is required for public purpose viz. construction of Khul by Irrigation and Flood Control Department in Village Chowkian, Tehsil Darhal, District Rajouri.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 19 Marlas, 07 Sarsai situated in Village Chowkian, Tehsil Darhal, District Rajouri, for construction of Khul by Irrigation and Flood Control Department in Village Chowkian, Tehsil Darhal, District Rajouri. Further, the Collector, Land Acquisition (ACR), Rajouri is directed under section 7 of the said Act to take orders for acquisition of the said land after giving pescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of lands involved in the cae for making apportionment of compensation amongst all the interested persons/rightful claimants, in accordance with the relevant laws/ rules in force, while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,

Principal Secretary to Government, Revenue Department.

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#### GOVERNMENT OF JAMMU AND KASHMIR, CIVIL SECRETARIATÔ REVENUE DEPARTMENT.

#### Notification No. 143-Rev (LAJ) of 2020

#### Dated 10-06-2020.

Whereas the land, specifications whereof are given in Annexure "A" to this notification is required for construction of road from Nabna to Chhungan by PMGSY in Village Kasblari, Tehsil Mankote, District Poonch;

Whereas, on the basis of an indent placed by the Executive Engineer, PMGSY Division, JKRRDA, a notification under section 4 (1) was issued by the Collector, Land Acquisition (SDM), Mendhar vide letter No. SDM/LA/PMGSY/308-15 dated 14-09-2019, for land measuring 121 Kanals and 15 Marlas, situated in Village Kasblari, Tehsil Mankote, District Poonch;

Whereas, the Collector, Land Acquisition (SDM), Mendhar, vide letter No. SDM/LA-PMGSY/19/382-83 dated 11-10-2019, has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but, no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act;

Whereas, the report furnished by Collector, Land Acquisition (SDM), Mendher, vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Poonch vide No. DCP/LA/1655 dated 21-10-2019 duly endorsed by the Divisional Commissioner, Jammu vide No. 502/3805/PMGSY/Kasblari/Poonch/19/2624 dated 29-10-2019 and endorsed by the Financial Commissioner, Revenue, J&K, Jammu vide No. FC-LS/LA-5137/2020 dated 06-03-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. construction of road from

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 121 Kanals and 15 Marlas, situated in Village Kasblari, Tehsil Mankote, District Poonch, for construction of road from Nabna to Chhungan. Further, the Collector, Land Acquisition (SDM), Mendhar is directed under section 7 of the said Act to take orders for acquisition of the said land after giving pescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of lands involved in the cae for making apportionment of compensation amongst all the interested persons/rightful claimants, in accordance with the relevant laws/rules in force, while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,

Principal Secretary to Government, Revenue Department.

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## Particulars of land *Annexure-'A'*

District	Tehsil	Village	Kh. Nos.	Area
óóóóóóóó	óóóóóóóóóóóóó	óóóóóóóóóóóóóó	óóóóóóóóóóó	óóóóóóóóó
1	2	3	4	5
óóóóóóóó	óóóóóóóóóóóó	óóóóóóóóóóóóó	óóóóóóóóóóó	óóóóóóóóó
				K. M.
Poonch	Mankote	Kasbalari	909	02-05
			908	00-16
			907	01-03
			905	01-19
			889	20-19

364 óóóóóó		zette, 19th Aug., 2021 δόδόδόδοδόδοδοδόδοδο		
1	2	3	4	5
óóóóó	óóóóóóóóóóóóóóó	Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó Ó	δόόόόόόό	óóóóóóóóóó
			886	K. M. 06-00
			882	02-15
			881	01-02
			883	19-17
			859	01-16
			858	21-01
			841	00-11
			840	00-02
			838	02-18
			814	00-05
			822	03-09
			803	34-17
				óóóóó
			Total	121-15

óóóóó



## JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 134] Jammu, Thu., the 19th Aug., 2021/28th Srav., 1943. [ No. 21 Separate paging is given to this part in order that it may be filed as a separate compilation.

#### PART II—A

#### Orders by Heads of Departments.

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#### CHARGE REPORTS

In compliance to the Government Order No. 18-JK (ARI & Trgs.) of 2021 dated 02-08-2021 issued under endorsement No. ARI-01/05/ 2021-01 dated 02-08-2021, we the undersigned have handed over and taken over the charge of General Manager, Ranbir Government Press, Jammu in all respect today the 04th of August, 2021 afternoon.

(Sd.) A. A. AKHOON,

General Manager, Ranbir Government Press, Jammu.

(Relieved Officer).

(Sd.) PARSHOTAM SHARMA,

General Manager, Ranbir Government Press, Jammu.

(Relieving Officer).

ô ô ô

Consequent upon my transfer and posting as Deputy Commissioner, Anantnag vide Government Order No. 246-JK(GAD) of 2021 dated 16-03-2021, I hereby assume the charge of Deputy Commissioner, Udhampur today on 18-03-2021 (A. N.).

(Sd.) DR. PIYUSH SINGLA, IAS,

Deputy Commissioner, Udhampur.



#### JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 134] Jammu, Thu., the 19th Aug., 2021/28th Srav., 1943. [No. 21

Separate paging is given to this part in order that it may be filed as a separate compilation.

#### PART II—B

Notifications, Notices and Orders by the Heads of Departments.

ô ô ô ó GOVERNMENT OF JAMMU AND KASHMIR, OFFICE OF THE DEPUTY COMMISSIONER, RAMBAN.

Subject :ô Transfer of State land measuring 17 Marlas under Khasra No. 499/13 min, Village Chanderkote, Tehsil Ramban for construction of Panchayat Ghar, Chanderkote.

Order No. 02-Rev(SQ) of 2021

Dated 22-06-2021.

In exercise of the powers vested in me vide Government Order No. 30-Rev(S) of 2019 dated 05-03-2019, issued by the Revenue Department, sanction is hereby accorded to the transfer of State Land measuring 17 Marlas, under Khasra No. 499/13 min, situated in Village Chanderkote, Tehsil Ramban for construction of Panchayat Ghar, Chanderkote in favour of Rural Development Department through Director, Rural Development, Jammu forthwith.

The land shall only be used for the purpose for which the sanction of transfer has been accorded, after obtaining all the codal formalities as may be required for construction of Panchayat Ghar. No diversion of land for any other purpose is allowed without obtaining prior approval of the competent authority.

	(Sd.)
	Deputy Commissioner
óóóóóó	Ramban

## OFFICE OF THE COMMERCIAL/STATE TAXES OFFICER, CIRCLE-P, JAMMU.

#### Notification

It has been reported by M/s Idea Forge Technology Pvt. Ltd., 187/1, Lower Ground Floor, Trikuta Nagar, Jammu bearing TIN: 01411202806 that (03) Three No. of F-Forms bearing No. from 01W-104831 to 01W-104833 issued on 19-06-2017 have been lost and matter stands published in the below mentioned Newspapers for declaring them invalid:ô

- 1. The Free Press Journal, Mumbai dated 25-03-2021
- 2. Parhar (Marathi) dated 23-03-2021

The dealer has also furnished an indemnity bond in this respect which is placed on record and copy of information report issued by District Police, Nabi Mumbai vide his No. 0345/2021 dated 12-03-2021. Hence, the below noted F-Forms are hereby declared as invalid for the purpose. Anbody, fraudulently using the said F-Forms will render himself liable for penalty action as per Law.

The person/s who will find the said F-Forms please return the same to the undersigned.

No. of F-Forms : 03 (Three)

S. No. of F-Forms : 01W-104831 to 01W-104833

Name and address of : M/s Idea Forge Technology the dealer Pvt. Ltd., 187/1, Lower Ground

Floor, Trikuta Nagar, Jammu.

Registration No. of the : 01411202806

dealer

Lost/stolen/destroyed : Lost

Address of the dealer : M/s Idea Forge Technology to whom issued Pvt. Ltd., 187/1, Lower Ground

Floor, Trikuta Nagar, Jammu.

\_\_\_\_

## IN THE COURT OF SUB-REGISTRAR (JMIC) JAMMU JAMMU

Present: Adnan Sayeed

In the Matter of :ô Complaint under section 523 Cr. P. C. for disposal of seized vehicle/vehicles/articles mentioned below seized under section 550 Cr. P. C. i. e. unclaimed property.

- 1. 12 Bore Gun No. BE986/1993;
- 2. With 3 live round and;
- 3. One empty case;
- From Train No. 4033/34
   Coach No. NRó08437 (General Coach) at P/F No. 3 Jammu Railway Station

#### NOTICE TO GENERAL PUBLIC

#### **PROCLAMATION**

Whereas above referred vehicle/vehicles/articles seized under section 550 Cr. P. C. by police of Police Station/Police Post, GRP, Jammu and till date no one has come forward with proof to stake the claim over the said property. As such by way of proclamation public at large is hereby informed to stake claim over the above said property and establish his/her ownership within six months period from the date of issuance of this publication failing which property shall be disposed of in accordance with law.

Issued under my hand and signature today the day of 08-10-2015. For further proceedings put upon 27-11-2015.

(Sd.) ......

Sub-Registrar Judicial Magistrate,
Ist Class, Jammu.

#### Notice

I, Riya D/o Pawan Kumar and Mother name Smt. Neetu Devi R/o Udhampur, District Udhampur that I my and my mother name has been wrongly written in my Birth Certificate is Reai and my Mother name is Nitu Devi instead of Riya and Neetu Devi. Objection, if any, may be conveyed it to concerned Authority within 7 days from the publication of this notice.

It is certified that I have complied with other legal requirements in this connection.

Riya D/o Pawan Kumar and Mother Name Smt. Neetu Devi R/o Udhampur, District Udhampur.

#### Notice

No Legal responsibility is accepted for the publication of Advertisements/Public Notices in this Part of the Official Gazette of UT of J&K. Persons notifying the Advertisements/Public Notices will remain solely, responsible for the legal consequences and also for any other misrepresentation etc.

By Order.

General Manager,

Ranbir Govt. Press, Jammu.

#### Notice

I, Dhruv Gupta and Apurva Gupta S/o and D/o Deep Kumar and Veerta Gupta R/o Bhawani Nagar, Jammu hereby declare that we are applying for correction in my educational documents.

According to revenue and other records, the actual name of my father is Deep Kumar and not Deep Gupta and DK Gupta, similarly the actual spelling of my motherøs name is Veerta Gupta and not Virta Gupta which are wrongly recorded on our all educational documents. The rectification is mandatory to set the record straight.

Objections, if any, may be sent to the concerned authorities Jammu within a weekøs time.

It is certified that I have complied with other legal requirements in this connection.

Dhruv Gupta and Apurva Gupta S/o & D/o Deep Kumar and Veerta Gupta R/o Bhawani Nagar, Jammu.

#### Notice

No Legal responsibility is accepted for the publication of Advertisements/Public Notices in this Part of the Official Gazette of UT of J&K. Persons notifying the Advertisements/Public Notices will remain solely, responsible for the legal consequences and also for any other misrepresentation etc.

By Order.

General Manager,

Ranbir Govt. Press, Jammu.



#### THE

## JAMMU AND KASHMIR OFFICIAL GAZETTE

#### ADVERTISEMENTS—C

UNION TERRITORY OF JAMMU AND KASMIR, RAJYA SAINIK BOARD AMBPHALLA JAMMU-180005.

#### ADVERTISEMENT NOTICE 208 RSB/FS/2021

Dated 27 July, 2021.

- 1. Applications are invited on the prescribed application as per Appendix to this Notification from the ex-servicemen of the District Jammu for the post of Accountant for Fund Section on contractual basis with honorarium of Rs. 20,000/- PM.
- 2. The eligibility criteria/terms and conditions for appointment are as under :ô
  - (a) Should be a JCO CLK (having adequate Knowledge of Accounts and computer).

- - (b) Should not be more than 55 yers of age as on 1-1-2021.
  - (c) Minimum Educational Qualification BA/B.Sc/B.Com. Working Knowledge of computer is a must.
  - (d) Should bear an Exemplary Character at the time of retirement from Defence Services rendered by him.
  - (e) Should be in Medical Category Shape-1.
  - (f) The candidate will not claim the seniority/permanency of the service rendered by him.
  - (g) It is a contractual post and hence no pensionary or terminal benefits for the service rendered can be claimed. Max. terms of engagement will be 60 years of age or 10 years of service whichever is earlier.
- 3. Application forms should reach J&K Rajya Sainik Board Office by 26 Aug. 2021, positively, completed in all respects along with Following documents duly attested :ô
  - (a) Matriculate Certificate with Date of Brith.
  - (b) Permanent Resident Cerificate/Domicile Certificate.
  - (c) Attested copy of discharge certificate.
  - (d) Certificates of Academic Qualification.
  - (e) Experience Certificate, if any.
- 4. Incomplete applications will not be considered. The department has full right to reject the application forms not meeting the eligibility. Eligible ex-servicemen will have to appear for a written test and

#### (Sd.) GURMEET SINGH SHAN BRIGADIER,

Secretary, Rajya Sainik Board.

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Appendix

# APPLICATION FORM FOR APPOINTMENT OF EX-SERVICEMEN IN THE SAINIK WELFARE DEPARTMENT OF UT. J&K

,	
1. Post for which applied	SPACE FOR PHOTOGRAPH DUL
2. Place of Posting	
3. No. Rank and Name  (in block letter)	
4. Contact No. & e-mail ID	
5. Fatherøs Name	
6. Religion	•••••
7. Permanent Address	•••••
8. Present Address	
9. Date of birth	
10. Date of Enrolment	
11. Date of Discharge	
12. Cause of Discharge	······
13. Character at the time of discharge	

15. Are you	Categor  a perma  f State S	y at the ti	me of disc nt of the St	óóóóóóóóóóóóóóóóóóóóóóóóóóóóóóóóóóóóóó	
Name of the Examination	Year of Passing		Optional subject effected	Percentage of marks obtained	Divisi obta
C	ertificate	s be attach	ned.		ding n
					C
			rief note)		
17. Past ex	xperience	, if any (b	rief note)		
17. Past ex	experience	, if any (b	rief note) imprisoned m a bon	under lawa fied ex-serv	
17. Past ex	experience	een arrested/total that I a	rief note) imprisoned m a bon	under lawa fied ex-serv	

ضميمين عميري

## رجٹر ڈنمبر ہے کے۔33



# جمول وتشمير گورنمنط گزي

جلدنمبر 134\_ جمول - مورخه 19 اگست 2021ء بمطابق 28 ساون 1943 ـ ویروار بنمبر 21

# اشتهارات

ازعدالت جوڈیشل مجسٹریٹ درجہاوّل ڈورو

سركار بنام عادِل احمد بث وغيره

مثل نمبر 24 / ب تاریخ دائره 2021-06-28 تاریخ فیصله روال پرچه علت نمبر 97 سال 2013 بذریعه تھانه پولیس ڈورو بجرئم زیردفعات RPC بجرئم زیردفعات 457,380,411,201 RPC

## وارنٹ گرفتاری گشتی عام زیردنعہ 512 ض

بخلا ف ملزم: جاویداحمدرنگریز ولدغلام قادررنگریز (المعروف ویراین) ساکنه با با پوره چوگام ضلع کولگام \_

حُكم بنام المكاران بوليس بو في جمول وتشمير

مقدمه مندرجه عنوان ألصدر، عدالت بذا میں مورخه 2021-68 كو علان پیش ہواہے، جس میں ۱.O. متعلقہ نے بذریعی کی کنندہ اظہار کیا ہے کہ ملزم

متذكره بالا كے نسبت كافى تلاش كى گئى إلاملزم متذكره دستياب نه ہواہے۔اس نسبت

تغمیل کننده مسمی ریاض احمد زیرنمبری 1137/A حال متعنه تفانه پولیس دُ ورو کا بیان

بھی قلمبند کیا گیا،جس کی روسے اُس نے اظہار کیا کہ ملزم اُلصدر کی دستیا بی نسبت کافی

تلاش بعمل لا ئی گئی، إلا ملزم ألصدر كی دستیا بی كی كوئی أمید نظرنه آرہی ہے اور ملزم

اُلصدر کسی نامعلوم جگدرو پوش ہواہے۔

لهذا ملزم متذكره مسمى جاويدا حمدرنكريز بسرغلام قادر رنكريز ساكنه بابابوره چوگام

کے خلاف کاروائی زیر دفعہ 512 ض ف بعمل لائی جارہی ہے اور اہلکاران پولیس

یوٹی جموں وکشمیرکو حکم واختیار دیا جاتا ہے کہ جب بھی اور جہاں کہیں بھی ملزم اُلصدر

ضميمه ج -جمول وكشمير كورنمنث كُرْث نمبر 21 مورخه 19 اگست 2021ء بمطابق 28 ساون 1943- 35

دستیاب ہو،اُسے گرفتار کر کے عدالت ہذامیں بحراست ضابطہ پیش کریں۔وارنٹ ہذا تا دستیابی ملزم زیر کارر ہیں گے۔ تحریر 2021-06-28

.

سركار بنام عادِل احمد بث وغيره

مثل نمبر 24 / ب تاریخ دائره 2021-06-28 تاریخ فیصله روال پرچه علت نمبر 97 سال 2013 بذریعه تقانه پولیس ڈورو بچرنم زیردفعات RPC بجرنم زیردفعات 457,380,411,201 RPC

وارنٹ گرفتاری گشتی عام زیردنعہ 512 ض

بخلا ف ملزم: محمد اشرف و گے ولد ولی محمد و گے ساکنہ کھرٹی اقبال پورہ لا رنو کوکرناگ اننت ناگ۔

مقدمه مندرجه عنوان ألصدر، عدالت بذا میں مورخه 2021-06-28 کو علام مقدمه مندرجه عنوان ألصدر، عدالت بذا میں مورخه 1.0-208 کو علان پیش ہوا ہے، جس میں . 1.0 متعلقہ نے بذریعہ بیل کنندہ اظہار کیا ہے کہ ملزم

متذکرہ بالا کے نسبت کافی تلاش کی گئی، الاملزم متذکرہ دستیاب نہ ہوا ہے۔ اس نسبت لغمیل کنندہ مسمی الطاف حسین زیم نمبری 910/A حال متعنہ تھانہ پولیس ڈوروکا بیان بھی قلمبند کیا گیا۔ جس کی روسے اُس نے اظہار کیا کہ ملزم اُلصدر کی دستیا بی کی نسبت کافی تلاش بعمل لائی گئی، اِلا ملزم اُلصدر کی دستیا بی کی کوئی اُمید نظر نہ آ رہی ہے اور ملزم اُلصدر کسی نامعلوم جگہ رویوش ہوا ہے۔

الہذا ملزم متذکرہ مسمی محمد انثرف و گے پسر ولی محمد و گے ساکنہ کھر ٹی اقبال پورہ لارنو کے خلاف کاروائی زیر دفعہ 512 ض ف بعمل لائی جارہی ہے اور اہلکاران پولیس یوٹی جموں وکشمیر کو حکم واختیار دیا جاتا ہے کہ جب بھی اور جہاں کہیں بھی ملزم الصد دستیاب ہو، اُسے گرفتار کر کے عدالت ہذا میں بحراست ضابطہ پیش کریں۔وارنٹ ہذا تا دستیابی ملزم زیر کارر ہیں گے۔ تحریر 2021-28-28

دستخط: جود یشل مجسٹریٹ درجہاوّل دورو۔



# THE JAMMU AND KASHMIR OFFICIAL GAZETTE

### **PART III**

Laws Regulations and Rules passed thereunder.

ôôô

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATO HOUSING AND URBAN DEVELOPMENT DEPARTMENT

### Notification

Jammu, the 29th January, 2021.

ôôô

SO-28.ô In exercise of the powers conferred by Section 38 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014), and subject to the other provisions of the Act and

#### CHAPTER 1

#### **Preliminary**

- 1. **Short title, application and commencement** :ô (1) This Scheme may be called õThe Jammu and Kashmir Street Vendors (Protection of Livelihood and Regulation of Street Vending) Model Scheme, 2021ö.
- (2) It shall be applicable to all the Municipal bodies/Municipalities in the Union Territory of the Jammu and Kashmir.
- (3) It shall come into force with effect from the date as may be notified by the Government in the official Gazette.
- 2. **Definitions**:ô (1) In this Scheme, unless the context otherwise requires,ô
  - (a) õActö means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, (7 of 2014) of Government of India;
  - (b) **õChief Executive Officer**ö means an officer incharge of the Municipal Corporation, Municipal Council, Municipal Committee, as the cafe may be;
  - (c) õFormö means form appended to this Scheme;
  - (d) õGovernmentö means the Government of Jammu and Kashmir;
  - (e) õ**License**ö means the permission letter for vending issued Scheme;
  - (f) õ**Local authority**ö means the local authority as defined under clause(c) of sub-section (1) of section (2) of the Act;
  - (g) õ**Mobile Vendo**rö means a person who sells goods or offers services moving from place to place as referred to in the Section 2 of the Act;

- (h) õ**Section**ö means the section of the Act:
- (i) õStreet Vendorö means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use of offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words õstreet vendingö with their grammatical variations and cognate expressions, shall be construed accordingly, as referred to in clause (c) of sub-section (1) of section (2) of the Act;
- (2) The words and expressions used herein but not defined shall have the same meaning as respectively assigned to them in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (No. 7 of 2014) and the Jammu and Kashmir Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2020.

# **Survey of Street Vendors**

- 3. **Process of Survey**: ô (1) The Town Vending Committee of the concerned Urban Local Body such as Municipal Corporation or Municipal Council, as the case may be shall conduct the survey itself or get it done through, suitable agency.
  - (2) Adequate publicity of the proposed survey shall be given:
    - (a) On its website;
    - (b) By publishing in two local newspapers;
    - (c) By placing it on the notice board of the Municipality.
    - (d) By placing a copy in any conspicuous place in the local market within the jurisdiction of the Municipality.
  - (3) The survey outcome shall be available in the digital format.

- (4) The process of survey shall be completed within a period of six months. The survey should be conducted to identify all existing Street Vendors within the area of its jurisdiction and the natural markets developed over the years by holding a spot verification and at the time of verification, the Committee shall also record the identity of the Street Vendor, whether the vendor is mobile vendor or a Stationary Vendor of a lane, sidewalk, footpath, pavement, public park or in any other public place or private area, in a register maintained in **Form I**.
- (5) The issuance of certificate of vending shall be completed within a period of one year from the date of commencement of the survey.
- (6) The Town Vending Committee shall conduct a survey from morning 7.00 A.M. to 1.00 P.M. and from 3.00 P.M. to 10.00 P.M. by setting up registration camp in or nearby market and vending area.
- (7) For the purpose of identifying existing Street Vendor and for registr tion, the Town Vending Committee shall use Geographic Information System (GIS) mapping, Digitalized photo census, Biometric Sensor. The survey will capture the geo-coordinates of the place of vending and other details of the vendors as indicated in the **Form II.**
- (8) Subject to the provisions of the Act and the provision contained in the Scheme, the Town Vending Committee shall, as far as practicable, ensure that all existing Street Vendors identified in the survey conducted uhder Para 3 are accommodated in the vending zone.
- 4. **Matters relating to taking services from Survey Agency**: ô (1) Survey Agency will complete the survey work under the instruction and guidance of Town Vending Committee (TVC);
- (2) Survey Agency will collect information in assigned format and will also collect important documents to verify the information (Voter ID) Aadhaar card/Driving License);
- (3) The Survey agency will be time bound to complete the survey work as per the agreement with Town Vending Committee and Municipality;
- (4) Database of information collected in the survey format will be immediately prepared by Survey Agency;

- (5) Ward-wise survey of vendors will be completed by the Survey Agency;
- (6) During the survey, the survey agency will not incite fear or foster greed in the street vendors or their family members.

# **Vending Certificate and Indentity Card**

- 5. Eligibility Criteria for issue of Certificate of Vending :ô A person shall be eligible for grant of certificate of vending if, ô
  - (a) he is a citizen of India;
  - (b) he is of sound mind;
  - (c) he has no other means of livelihood except street vending;
  - (d) he has completed the age of eighteen years or such other age as the Government may prescribe, on the date of consideration for issue of Certificate of Vending in case of existing Street Vendor and in any other case from the date of filing of application;
  - (e) his name appeared in the survey carried out by Town Vending Committee; and
  - (f) he does not hold any other parallel vending site in any other place. However, his spouse and any child above eighteen years of age may have a different vending site;
  - (g) the certificate of vending cannot be leased, rented or sold to ary other person. An undertaking in this respect in the Form III shall be submitted by the street vendor to the town vending committee;
  - (h) Transfer of vending license upon the death of vendor should be in favour of his legal heir having no license at any other place zone in his name.

- (2) The persons those who are carrying on street vending prior to commencement of the Act shall be given preference over the persons those who are intending to start Street Vending.
- (3) The Town Vending Committee While considering for issue of certificate of vending shall also give preference to senior citizen, physically disabled, single mother, widow as well as Scheduled Castes, S heduled Tribes, Other Backward Classes and minorities.
- 6. **Application for grant and renewal of certificate of Vending**: ô (1) Any person who intends to carry on business as Street Vendor, may apply to Town Vending Committee and who shall, after making necessary scrutiny in accordance with the provision of this Scheme, issue the Certificate of Vending.
- (2) The application for grant and renewal of certificate of vending shall be made in Form-IV and the Street Vendor shall apply for renewal three months before expiry of the period of certificate of vending.
- 7. **Issue of Certificate of Vending**: ô (1) The street vendor identified survey shall be issued a certificate of vending (Form V) within a period of one year from the date of commencement of survey and subject to the conditions that:
  - (a) the Vendor shall not construct any permanent structure on allotted space;
  - (b) the Vendor in any way shall not obstruct the free movement of pedestrians and traffic;
  - (c) the Vendor shall carry out vending by himself or through his famify member or employee provided that such family member or employee has completed eighteen years of age and condition at para 5 (1);
  - (d) the Vendor shall not take any intoxication while vending in the Vending Zone;

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  - (e) he shall keep site allotted to him clean and dispose off their waste materials in a properly covered dustbin;
  - (f) he shall carry on his vending activities on such date and time as specified in the certificate;
  - (g) the Vendor shall not sit in any place other than the place mentioned in his Certificate of Vending:
    - Provided that the Street Vendor may change his place of business only with prior approval of the Town Vending Committee:
  - the Vendor shall not lease out, or put the shop/stall on rent or otherwise transfer the shop/stall without prior approval of the Town Vending Committee; and
  - the Vendor shall pay rent for the allotted site on first week of each month to the concerned Municipality at the rate as specified in the Certificate of Vending.
- (2) The Authority reserves the right to shift the street vendor to other location under exceptional circumstances in the greater interest of public.
- (3) The Town Vending Committee may impose such other conditions while granting certificate of Vending having regard to category of Street Vending and the nature of vending activities to be carried on by the Street Vendor.
- (4) The Certificate of Vending and identity card is valid for a period of five years from the date of its issue and such certificate and identity card may be renewed from time to time on payment of a fee of as prescribed by the Government and on fulfillment of conditions specified in this scheme and subject to the provisions of the Act:

Provided that the Town Vending committee shall have the power to refuse to renew the certificate, if it has ome to notice that the street Vendor has violated the provision of the Act or the Rules or the Scheme or any of the condition of the certificate of vending:

Provided further that no order of refusal of certificate shall be passed without giving reasonable opportunity heard to the concerned Street Vendor.

- (5) Every Town Vending Committee on issue of Certificate of vending shall assign a registration number as maintained in the register for the purpose.
- (6) In case of Street Vendor in whose name the Certificate of vending has been issued dies or is incapacitated or becomes ill, his nominee or where there is no nominee, one of his family members in order of priority may continue as Street Vendor with an intimation to the Town Vending Committee, which shall make necessary correction in the certificate and issue an identity card accordingly and such nominee or the legal heir shall continue his business for the unexpired period of the validity of the certificate subject to the same conditions.
- (7) The Town Vending Committee may grant temporary Certificate of Vending during any social or festive occasions special to the Municipality Area.
- 8. **New Sites and Street Vendors**: ô (1) New street vendors who wish to carry on street vending during the intervening period of two surveys, shall apply through the local authority for the certificate of vending; and
- (2) Identification of new sites, acceptance of application from new venbors and the allotment of certificate of vending to new applicants by the local authority shall be a continuous process.
- 9. **Issue of identity card** :ô (1) Every person who is holding a Certificate of Vending shall be issued an Identity Card.
- (2) The Identity Card shall be issued in Form-VI containing following particulars, namely:ô
  - (a) Photograph of the Street Vendor;
  - (b) Name of the Street Vendor;
  - (c) Age;

- (d) Sex:
- (e) Residential address;
- (f) Address of the Vending site;
- (g) Category of Vending;
- (h) Municipal Ward or Zone (number);
- (i) Phone No. (if any);
- (j) Name of the Police Station;
- (k) Blood Group;
- (l) Validity; and
- (m) Time.
- (3) The certificate of vending should have photograph of the person vending and that of the spouse or dependent child provided they are involved invending from that site. Photographs of all such persons shall also be addded in the certificate.
- (4) In case of loss or damage of Identity Card, the Street Vendor may apply for issue of duplicate Identity Card to the Town Vending Committee ac ompanied with an affidavit, copy of FIR and fee of as prescribed by the Government.

# **CHAPTER 4**

## Renewal, Suspension and Cancellation of Certificate of Vending

- 10 **Application for grant and renewal of certificate of Vending**: ô (l) Any person who intends to carry on business as Street Vendor, may apply to Town Vending Committee and who shall, after making necessary scrutiny in accordance with the provision of this Scheme, issue the Certificate of Vending.
  - (2) The certificate of vending may be renewed after every five years.

- (3) The application for grant and renewal of certificate of vending shall be made in Form-IV and the Street Vendor shall apply for renewal three months before expiry of the period of certificate of vending.
- (4) The TVC shall publish a list of defaulter street vendors who failed to pay the renewal fees of certificate of vending.
- (5) The renewable fees of the certificate of vending shall be prescribed by the Government from time to time.
- (6) One-month grace period may be granted for the payment of renewal fees without any penalty.
- (7) After expiry of the period one month, the certificate of vending may be renewed on payment of renewal fees and the penalty for the delayed period.
- (8) If the vendor fails to renew his certificate of vending within a period of one month, the TVC shall serve a notice to the vendor asking him of submit reasons within fifteen days from the date of issuance of the notice as why his certificate of vending should not be cancelled. If he fails to give any reason to the satisfaction of the Town Vending Committee, his certificate vending shall be cancelled.
- 11 Canceliation and Suspension of Certificate of Vending: ô (l) The Town Vending Committee may cancel the certificate of vending of any Street Vendor on any of the following grounds, namely: ô
  - (a) breach of any of the conditions of Certificate of Vending mentioned in the Act or in this Scheme:
  - (b) the Certificate of Vending has been obtained on misrepresentation or suppression of material facts;
  - (c) false document or photograph has been used;
  - (d) any permanent structure has been constructed on the allotted place;
  - (e) if the area allotted has been increased, occupying the additional area unauthorizedly;

- (f) certificate of vending is rented, sold or leased out to any other person:
- (g) the certificate of vending has not been renewed after the ptescribed period is over;
- (h) fails to pay the monthly rent and dues of the Municipality for a period of three months; and
- (i) the Street Vendor has employed any child below the age of 114 years (under Child Labour Prohibition and Regulations) Act, 1986 shall be given a warning by the Town Vending Committee. If he fails to carry out the direction given in the warning, his certificate of vending shall liable to be cancelled.
- (2) Any street vendor who is guilty of misbehaviour with women vendor may be given a warning, based on the written complaint filed by the aggrieved person. However, on the repetition of such misbehaviour may result in the cancellation of the certificate of vending.
- (3) Where the Town Vending Committee has made an order cancelling the certificate of vending of a Street Vendor, such vendor shall surrender his certificate of vending and identity card to the Town Vending Committee within the period as specified in such order of concellation and his name shall be struck off from the register maintain for the purpose.
- 12. **Relocation and Eviction of Street Vendor** :ô (I) Public purpose for which a street vendor may be relocated and the manner of relocation :ô
  - (a) Any project of public purpose requiring temporary or permanent shifting of the street vendors in the project related area, the concerned authorities shall:
    - Adjust the street vendors required to be removed, to the extent possible, in any nearby place temporarily or permanently; and

- - ii. After the completion of the project, the street vendors may be brought back and adjusted in the newly developed project area to the extent possible. The decision of the Town Vending Committee in this regard shall be final.
- (b) The rehabilitation of the street vendors under any public purpose would be requiring the following steps, namely:ô
  - i. Give an estimate of footfall status in an area where from the vendors are to be shifted:
  - ii. Total number of vendors to be shifted;
  - iii. Footfall status of the alternative sites;
  - iv. Holding capacity of the alternative sites;
  - v. Likely availability of vending space after the project is completed;
  - vi. Temporary allotment of sites for shifting the vendors which may be done by lots;
  - vii. Where number of vendors in the original site is more than the number which could be accommodated after the project is completed, method of allotment;
  - viii. The vendors who were carrying on business from a government land may either be placed in a plot owned by the public authority or can be organized on the road, depending on the availability of the space.
  - (2) Manner of evicting a street vendor:
  - (a) The town vending committee shall bring in its agenda and discuss the issue of eviction of street vendors two months prior to the issuance of one month notice of eviction, so that a survey can be conducted to identify an equally ideal vending site for the street vendors.

- (b) The one month written notice shall be served personallt or by a registered post in the name of the street vendor prior to the viction.
- (c) In case the registered post comes back undelivered the said notice shall be pasted in the area where from such person is carryin on his vending activity. That would be deemed to be considered as the service of the notice to the person concerned.
- (3) Manner of evicting a street vendor physically on failure to evict:ô
  - (a) Any street vendor who fails to move out on the expiry of the period mentioned in the eviction notice shall be liable to pay default amount for each day.
  - (b) The default amount or the penalty payable by the street vendor for this purpose shall be as prescribed by the Government from timel to time. However the penalty shall not exceed the value of the goods seized.
  - (c) If within fifteen days/he himself fails to vacate the allotted place local authority shall physically remove him from the site if needed by taking police help.

#### Fee and Penalties

- 13. Vending Fees to be paid on basis of commercial potential of the site of the vending :ô The town vending committee shall fix vending fees depending on the footfall of the area but such fees shall be as prescribed by the Government from time to time. Every year ten per cent fee shall be increased. The Municipality may collect vending fees annually if it deems fit.
- Explanation: ô The vending fees shall be according to the category of the street vendors and the status of the market. The rationale is obvious. Income potential differs from area to area. High footfall areas offer high vending opportunity compared to lean footfall areas. Therefore it is obvious to fix the fees at different rates for different categories of vending zones. Similar position may be for varied rates for cities and towns of different categories.

- 14. **Payment of fee and fine**: ô (1) For the purpose of deposit of money, whether as a fee, rent or fine or penalty, payable by the Street Vendor under the Act, Rules and the Scheme, every Town Vending Committee shall open a Bank account in any Scheduled Bank and operated by such officer of the Town Vending Committee as the Municipality may direct.
- (2) An annual audit of such account shall be carried out by the TVC.
- (3) The Street Vendor may deposit the fees including monthly rent and such other fee in that account with his name and Registration Number allotted to him and may also be paid in a counter opened for the purpose in the Office of the Town Vending Committee or such other place as the Town Vending Committee direct publish from time to time.

#### **Classification of Street Vendors**

- 15. Classification of vendors :  $\hat{o}$  (1) Vendors can be classified into two main types :
  - (a) Permanent/stationary;
  - (b) Mobile vendor.
- (2) Vendors can also be categorized with reference to the places from where they are operating, for exampleô
  - (a) natural markets;
  - (b) weekly markets;
  - (c) heritage markets.
- 16. **Special Categorization**: ô (1) The following categories of vendors must be given preference while granting vending certificateô
  - (a) Disabled person;
  - (b) Senior citizen;

- (c) Divorced or widow;
- (d) Third gender community;
- (e) Women.
- (2) Preference shall be given to the above category of vendors in distribution of certificates based on recommendations by the Town Vending Committee.
- 17. The categories of street vendors other than stationary and mobile vendors: ô The Municipality shall report to the Government in case there is any category of street vendors other than stationary and mobile vendors are operating from its area.

# Seizure of goods

- 18. Terms and Conditions of seizure of goods by the Municipality: ô (1) Where the goods of the street vendor are to be seized under sub-section (1) of section 19 of the Act, the following aspect requires to be taken into consideration, namely: ô
  - (a) Only the authorized person from the Municipality shall conduct the seizure of the goods;
  - (b) The list of goods shall be made and signed by the person/officer authorized by the Municipality and;
  - (c) The street vendor whose goods are seized should be given a proper receipt by the authority.
- 19. **Manner and fine for reclaiming seized goods** :ô The Municipality shall release the perishable goods on the same day and in case of non-perishable goods within two working daysô
  - (a) The fees to be paid by the street vendor for reclaiming the good shall not exceed the value of the total goods so seized.
  - (b) In the case of vending of goods without the certificate, the charge shall be prescribed by the Government from time to time for reclaiming the seized goods.

- - (c) In the case of perishable goods, the vendor may be given option to take the goods back immediately or within the working period in the next twenty-four hours by paying necessary penalty.

#### **Social Audit**

- 20. Constitution of the social audit committee and manner for carrying out social audit .ô (l) The Town Vending Committee shall constitute a three member Social Audit Committee for the purpose of carrying out social audit of the activities of the Town Vending Committee, under the provisions of the Act, rules of this Scheme which shall be an indpendent body.
- (2) The Municipality shall nominate by name one member each from the following streams, namely :ô
  - (a) from amongst the academicians in the field of Sociology;
  - (b) from amongst the eminent social activists; and
  - (c) from amongst the Retired Administrators.
- (3) The Municipality shall provide the adequate Secretariat staff with office space and equipments to the Social Audit Committee.
  - (4) The manner for carrying out social audit shall be as under :ô
    - (a) The social audit shall be carried out at least once in three years. The schedule for conduct of the social audit shall be decided three months in advance.
    - (b) The Town Vending Committee shall provide details of all relevant information, at least a fort night before the social audit process commences. The relevant information shall include,ô
      - Status of implementation of the Act and the Scheme for Street Vendors;
      - ii. A record of the minutes of the meeting of the Town Vending Committee conducted in preceding year;

- iii. Record of all registered street vendors;
- iv. Record of appeals made before the Municipality;
- v. Record of all grievances/disputes brought before the Grievance Redressal Committee;
- vi. Record of the total number and details of evictions and seizer of goods and relocation of street vendors taken place in preceding year; and
- vii. Records of social audit reports, if any, taken place previously.
- (c) The Social Audit Committee shall conduct meetings and focused group discussions with street vendors on various aspects of the implementation of the Act and the scheme.
- (d) The Social Audit Committee shall record, in writing, the grievances of street vendors on any issue faced by them.
- (e) At the culmination of the social audit process, the committee shall record its findings, in writing.
- (f) The Social Audit Committee shall hold a social audit public meeting at the office of the Town Vending Committee. The members of the Town Vending Committee and representatives of the Municipality shall attend the meeting. The Street vendors of the particular area and other persons from the public may participate in the meeting. The social audit unit shall read out its findings at the meeting. The Street vendors shall be encouraged to testify and the Town Vending Committee shall respond to each of the issue identified in the social audit by giving clarification and/or explanation to the affected party and the public as to why a certain action was taken or not taken.
- (g) The social audit unit shall give adequate notice to the social adudit public meeting by a public notice.

- - (h) The Municipality shall on each finding of the social audit in cases of gaps, lapses or deviations, fix responsibility and shall take immediate corrective or disciplinary action. In case of a dispute, an administrative enquiry shall be conducted by the Municipality and action taken accordingly in the shortest time possible and in any case not later than a month.
  - The statutory requirement of conducting social audit shall not preclude any independent initiative to carry out normal audit of accounts.
  - (j) The social audit report submitted in this process shall form part of the record and shall be responded to by the Town Vending Committee. Where shortcomings are found immediate action shall be taken as per this scheme or the rules. The social audit report as well as the action taken report shall form part of the record and shall be available for public information.
  - (k) The cost of conducting social audit shall be met from the budgetary provisions of the Town Vending Committee.

## Miscellaneous

- 21. Conditions under which Private places may be designated as restricted vending zones partially restricted zone and no vending zone :ô (l) Private places can be operated as vending zones by written agreement between landowners and Municipality.
- (2) Any institution's vacant land can be used as a vending zone by written agreement between land owner and the vendor of the Municipality. The agreement must also specify the vending duration and fee.
- (3) The agreement must also specify whether the vending is to be conducted daily or weekly, and the agreement should also specify the duration of vending.
- (4) The agreement should also specify that the vendor will not sell contaminated food.

- - (5) Alcoholic beverages and narcotic drugs will not be vended.
  - (6) Inflammable and explosive substances will not be vended.
- (7) In addition to the fee in the agreement, the vendor is also liable to pay sanitation service fee.
- (8) The vendor shall not vend any object that disrupts communal harmony.
- (9) The agreement will also include that the vendor will not use any loud noise producing equipment.
- (10) The permission for vending on any business establishment or private institution can be granted on the following termsô
  - (a) on the basis of time limit for vending;
  - (b) on the basis of quality of goods being vended;
  - (c) on the basis of goods being un-objectionable;
  - (d) on the basis of request regarding the size of space by the vendor, and the extent to which the same is being permitted by the private institution/business organization via the owner or the authorized agent;
  - (e) on the basis of the permission of the private institution/business organization via the owner or the authorized agent.
- 22. Terms and conditions for street vending for upkeeping/public health and hygiene.ô (1) The Municipality of the concerned area shall provide the vendors a proper place to dispose of their waste materials;
- (2) The street vendors shall use proper covered dustbins to dispose of the waste materials. The used water shall also be disposed of in covered container;
- (3) The Municipality shall ensure and provide the street vendors clean and fresh water along with the street light facility, wherever it is possible; and

- (4) The Municipality shall provide clean and properly constructed toilets with water and electricity facility near the street vending strips.
- 23. **Nodal Officer**.ô (l) The Government shall appoint Project Director-LM as a Nodal Officer for co-ordination of all matters relating to street vending at the Union Territory Level.
- (2) The Nodal Officer shall have at least half yearly meeting with the local authority in relation to matters relating to the street vendors.
- (3) The Nodal Officer may collect the feedback from the street vendors relating to the issues and problems faced by them.
- 24. **Maintenance of proper records and other documents**.ô (1) The Town Vending Committee shall maintain the record in respect of the following matters:ô
  - (a) Details of agenda papers and minutes of the meetings of the Town Vending Committee;
  - (b) survey procedure, updated database (preferably in digital format and including the documents submitted for the identity and address) and final reports;
  - (c) details of the allotment and relocation of sites to the street vindors, all the decisions of the Appellate Committee and Grievance Redressal Committee;
  - (d) details of certificate of vending and identity cards issued; and
  - (e) papers for initiating five yearly survey.
- **Note**:ô The records of the survey outcomes and the allotment of sites, certificates of vending and identity cards shall be considered to be of permanent nature.
- (2) The appellate committee shall maintain the records relating to the appeals filed before it.
- (3) The grievance redressal committee shall maintain the records relating to the applications filed before it.

- (4) The Municipality shall maintain the records of seizure of goods from any street vendors, counterfoil of the receipt given to the street venors after seizure of goods, compensation paid for the seized goods and the penalty recovered from the street vendors.
- 25 **Vending Activities on time sharing basis**.ô The Town Vending Committee shall determine the vending activities on time-sharing arrrngement depending on the market needs and in doing so, the women vendors shall not be discriminated while allotting time sharing vending activities.
- 26. The principles for determining of vending zones.ô (1) Foot fall, status, road width and density of the vehicular and pedestrian movement shall be the cornerstone for deciding vending and no vending zone.
- (2) There shall be ono restriction free vending zoneo in the city and ono vending zoneo shall be very minimum. The Town Vending Committee shall decide the particular street or market as vending zone or no vending zone as is specified below and thereafter the space should be allotted accordingly,ô
- (a) There shall not be any restriction-free-vending zone in the city. The capacity of an area would put the ultimate limit on the number of street vendors which can be positioned in that area. However, there shall not be any restriction on mobile vending in that area if continuously move without affecting traffic and commuter movements.
- (b) Restricted vending zones should be linked up with the road width keeping in view the following aspects, namely:ô
  - there shall not be any stationary street vending on a road having width upto 3.5 meters. However, street vending shall be allowed, if such road is declared as no vehicular road;
  - ii. there shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending shall be allowed if such road is declared as one-way vehicular road;

- - iii. there shall be only one side stationary street vending on a road having width between 12meters to 24 meters, while stationary vending shall be allowed on a road having road width of 30 meters and above:
  - iv. the number of street vendors shall be decided by considering holding capacity of each designated vending area on such a road;
  - such stationary street vending shall be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, roadside parking shall be banned in such area; and
  - vi. the mobile vending shall be allowed on the road keeping the traffic and pedestrian movement in view.

### (c) In the no vending zones :ô

- i. The town vending committee may decide the distance to be kept free from street vending near the important institute like the Secretariat District Collectorate, offices of District Panchayat, Municipal Corporation, Municipality, Nagar Panchayat, Court, Cantonment Board and State/UT archeological monument attracting a high footfall at its discretion taking into account the specifies of the area concerned.
- ii. No vending within fifty meters from any crossing of two/ or move roads on all sides, both sides of the railway crossing and any declared heritage structures by the Municipality.
- 27. Principles to determine the holding capacity of vending zones.ô (l) The following shall be the principles for determining the holding capacity of the vending zone :ô
  - (a) 2.5% of the population of a ward or zone shall be accommoded:

- (b) the holding capacity will indicate the maximum number of vendors that can be accommodated in a defined vending zone. This shall be calculated on the basis of total area available for street vending divided by the standard unit size decided by the TVC;
- (2) The following criteria may be kept in mind by the Town Vending Committee in determining the vending zones, namely:ô
  - (a) a maximum of 2.2 square meter area as -vending areaøshall be provided to each vendor/hawker with dimension of 1.8 meter x 1.2 meter;

Ŧ

- (b) passage of 1.0 meter width in front of stalls/push carts shall be reserved as -extention
   ø
   for consumers/users to stand or buy goods;
- (c) a walkway/footpath of 1.0/2.0 meters width shall be provided for pedestrians, in front of extension space depending on the road width;
- (d) in no case, the carriage-way shall be allowed to be used for street vending;
- (e) If the width of road permits, street vending may be allowed on both sides of the road; and
- (f) no vending activity shall be allowed at a distance of 50 meters from any junction/exit/entry of road.
- 28. **Principles of relocation**.ô The principle of relocation shall be subject to the following, namely :ô
  - (a) the relocation shall be avoided as far as possible, unless there is clear and urgent need for the land in question;
  - (b) affected vendors or their representatives shall be involved in planning and implementation of their habilitation project;

- - (c) the Town Vending Committee shall engage in dialogue with the representatives of the markets;
  - (d) the mutually agreed place for relocation shall be considered under the implementation of their habilitation project;
  - (e) the effected vendors shall be relocated so as to improve their livelihoods and standards of living or at least to restore them, in real terms to the income potential of the site before the eviction;
  - (f) the livelihood opportunities created by new infrastructure development projects may be used to accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;
  - (g) the loss of assets shall be avoided;
  - (h) any transfer of title or other interest in land shall not affect the rights of street vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this scheme;
  - (i) natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated and the Municipality shall prepare a list of such markets and declare them as õHeritage Marketsö.

By order of the Lieutenant Governor.

(Sd.) DHEERAJ GUPTA, IAS,

Principal Secretary to the Government, Housing and Urban Development Department.

#### FORM 1

[SeePara 3 (4) of the scheme]

# SURVEY VERIFICATION OF REGISTER

- 1. Name of the Municipality-
- 2. Name of the Vending Zone-
- 3. Territorial area covering the Vending Zone-
- 4. Number of Vending Zone-
- 5. Number of existing Stationary Street Vendors identified-
- 6. Number of Mobile Vendors-

SI. No.	Name & Addres of the Street Vendors	Name of place i.e. Lane/Street/ Market	Status of Street Vendors New/ existing	Public/Private area.	Nature of Street Vending	Date of survey
1	2	3	4	5	6	7

Dated:	Signature
Place:	

N.B.-In case new applicant, date of application is to be mentioned in Column (4).

FORM-II				
[See Para 3 (7) of the scheme]				
	SURVEY QUESTIONNAIRE			
Sr. No.	Questions			
1	Photograph of Vendor with Location			
2	Photograph of Vendor with the vending place			
3	Identity Proof-1(Single Photograph)			
4	Identity Proof-2 (Single Photograph)			
5	Video of the vendor, vending place and its surrounding			
6	Ward number			
7	Street Name			
8	Nearby Landmark			
9	Type of area			
	ÉResidential			
	ÉCommercial area/Natural Market			
	ÉSchool Collage Area			
ÉReligious site				
	ÉGarden Open space			
	ÉRailway Station			
	ÉIndustrial area			
	ÉPublic place or Government Office			
	ÉHeritage site			
	ÉHighway			
	ÉBus Stand			
	ÉHospitals			
	ÉOther			

0000	
10	Place of business
	É Main road/Lane/Chowk
	É Footpath
	É Service Area/Road
	É Open Plot Within Premises
	É On Closed Drainage Line
	É Private Property/Plot
	É Other
11	Nature of Business
	É Fast food items and drinks
	É Fruits and Vegetables
	É Readymade Garments (old and new)
	É Foot wear and leather goods.
	É Ceramic products
	É Plastic products
	É Cutlery and Utensils
	É Jewellery
	É Accessories (bags, watches, wallets, belts, hair accessories, mobile-accessories, etc)
	É Cosmetic products
	É Books and newspaper
	É CDs/DVDs
	É Lottery tickets
	É Flowers Vendor
	É Stationery prouducts
	É Paan Cigarette/Beedi/Tobacco products

	É Sea food vendor
	É Dairy and poultry products
	É Bakery products
	É Pooja products
	É General household products
	É Miscellaneous
	É Service providers
	É Others
12	If Service Provider than Nature of Business
	É Cobbler
	É Barber
	É Tailor
	É Repairs automobiles
	É Mechanical work
	É Technical work
	É Dhobi
	É Painter
	É Chaabiwala
	É Kabaadiwala.
	É Others
13	Name of Thela/Vending Place
14	Vendor's Name: First Name

15	Vendor's Name: Middle Name
16	Vendor's Name: Surname
17	Residential Address
18	Block
19	City/Town
20	District
21	Mobile No.
22	Age
23	Gender
	É Male
	É Female
	É Trans Gender
24	Nationality
	É Indian
	É Other
25	Religion
	É Hindu
	É Muslim
	É Sikh
	É Christian
	É Jain
	É Buddhist
26	Caste
	É General
	É Scheduled Caste (SC)
	É Scheduled Tribe (ST)

	É Other Backward Class(OBC)
	É Other
28	If you come under SC/ST/OBC Category, Do you have Certificate for the same?
	É Yes
	É No
29	Marital Status-
	É Married
	É Unmarried
	É Widow/Widower
	É Divorced
	É Separated
30	Level of Education Attained -
	É Illiterate
	É Primary (1-5)
	É Middle School (6-8)
	É Secondary(9-10)
	É Senior Secondary (11-12)
	É Diploma
	É Graduate
	É Postgraduate
31	Details of Disability-
	É Visually Impaired
	É Deaf -
	É Dumb
	É Disabled by hand/leg
	É Mentally Challenged
	É Other

32	In case of disability, do you have a certificate?
	É Yes
	É No
33	If yes, list the Certificate No.
34	Do you fall under BPL?
	É Yes
	É No
35,	If yes, BPL Card No.
36	Migration
	É Belong to this city
	É Have migrated
37	If migrated, Please specify the name of your Native Place's District.
38	Since how many years have you been living in this city?
39	Do you possess any residential proof?
	É None
	É Voter Card
	É Ration Card
	É Aadhaar Card
	É APL/BPL Card
	É Electricity Bill
	É Municipal Tax Bill
	É Other
40	Total number of Family Members-Male Members
41	Total number of Family Members-Female Members
42	Out of total, number of children (below 14-Both Male and Female)

43	Total number of earning members-Male
44	Total number of earning members-Female
45	Total number of children earning (below14-Both Male and Female)
46	Is there any other person who worked as a street vendor except you in your house?
	É Yes
	É No
47	Relation with you-
	É Husband
	É Wife
	É Brother
	É Sister
	É Mother
	É Father
	É Others
48	Ful name of Member (working/worked as street vendor) -
49	Do you have any other source of income?
	É Yes
	É No
50	What work did you do before street vending?
51	In which city did you work before?
52	For how many years have you been engaged in street vending?
53	For how many years have you been working in this area?

54	Do you possess any license issued by City Civic Body for street vending?
	É None
	É Mobile License
	É Stationary License
	É Cabin License
	É Other
55	How often do you go for street vending?
	É Daily
	É One to two days per week
	É More than two days per week
	É Fort-nightly
	É Monthly
	É Seasonal
	É Not fixed
56	Type of Business-
	É Mobile
	É Stationary
	É Both
57	How much distance do you have to cover to come to this place for Vending?
58	How many hours do you work in a day?
59	Exact time on endingtohrs.
60	How much KM distance do you travel for work in a day, when you are doing Mobile Vending?
61	What type of structure is being used for Vending?
	É Kacha
	É Pakka
	É Semi-Pakka

62	How much land space are you using for your vending? (ln sq.ft.)		
63	Are you using any vehicle for vending?		
	É Yes		
	É No		
64	If yes, then which of the following vechicles do you use?		
	É Tempo.		
	É Auto.		
	É Van.		
	É Handcart.		
	É Bicycle.		
	É Bullockcart		
	É Other		
65	Ownership of vehicle.		
	É Self		
	É Family		
	É On rent		
	É Partnership		
	É Other		
66	How much rent do you pay for these vehicles ? (if any)		
67	How many months do you work in a year?		
68	Do you do the same work mostly?		
	É Yes		
	É No		
69	Are you satisfied with this location as a place for your business?		
	É Yes		
	É No		

70	If yes, then why?
	É The place is nearby to your house
	É Good relations with the people in this area
	É No local interference
	É Crowded place
	É Good locality
	É Well known market
	É Convenient for customers
	É Near office or educational institution
	É Other
71	If no, then why?
	É Less income
	É Unsuitable for health and business
	É Local people object against the business
	É Interference by employees of Municipal Corporation
	É Problems created by Police Department
	É Transportation problem
	É Other
72	Number of people you have employed-
	É None.
	É 1.
	É 2.
	É Others.
73	How do you pay your employees?
	É DailyWages
	É Weekly
	É Monthly
74	Average Amount paid to employees-

75	Do you pay any rent for your vending place?
	É Yes
	É No
76	To whom do you pay the rent?
	É Civic Body
	É Nearby shopkeeper
	É Owner of the place
	É Other
77	Type of payment
	É Daily
	É Weekly
	É Monthly
	É Other
	É Amount
78	Amount of Payment
79	From where do you purchase goods for carrying out your business?
	É Manufacturer
	É Whole sale market
	É Distributor
	É Other
80	From where do you get the initial seed money to purchase goods?
	É Own money
	É From landlord
	É From Banks
	É Credit Societies
	É Other sources

93	Are you satisfied with the work you have selected?
	É Yes
	É No
94	If the authority provides a vending place elsewhere in the same area or any other area, are you ready to shift your cart/ setup to the allocated area for vending goods?
	É Yes
	É No
96	Would you need a covered market space with the raised plat form and storages space?
	É Yes
	É No
97	Are you a member of any street vendor union or association
	É Yes
	É No
98	Name of the organization
99	Are you aware of õThe Street Vendors (Protection of Livelihood and kept regulation of Street Vending) Act, 2014ö?
	É Yes
	É No
100	Are you interested in obtaining a license under the Street Vendor Act?
	É Yes
	É No
101	How much Annual fee are you willing to pay for the license?
	É Rs. 100
	É RS. 250
	É Rs. 500

É Rs.1000 102 What is your favorite time for business? É Morning É Noon time É Evening 103 What kind of market do you vend in? É Natural Market (Daily Market) É Evening/Night Market É Holiday Market É Weekly Market É Festival Market É Other 104 Do you have access to free drinking water near your place of work? É Yes É No 105 Do you have access to toilet facility near your place of work? É Yes É No 106 How do you dispose of the garabage generated by your vending? É Municipal bins É Private bins É On road/street É Dump it in a water body

É Through door to door collection

É Other

00000					
107	Do you have (access to ) storage facility at your place of work?				
	É Yes				
	É No				
	É Not Applicable				
108	What type of light source do you use?				
	É None				
	É Streetlight				
	É Gas/Oil Lamp				
	É Battery Operated				
	É Solar Light				
	É Generator				
	É Paid Electricity Connection				
	É Other				
109					
	Vending?				
	É Yes				
	É No				
110	If yes, what are the solutions to avoid problems?				
111	Which type of facility do you desire for your business?				
	É Different market				
	É Water				
	É Electricity				
	É Common toilet				
	É Common lighting facility				
	É Waste disposal facility				
	É Security				
	É A cleaning person				
	É Parking				
	É Labour for parking and transport management				
112	Any special Remarks or Comment of Vendor.				
113	Surveyor  Note				

#### FORM III

[See Para 5(1) of the scheme]

# FORMAT FOR LETTER OF UNDERTAKING BY A STREET VENDOR

I,	wife/son/daughter of		
	Registration/Certificate of Vending		
No of	Town vending Committee, hereby		
declare that the certificate o	f Vending granted to me shall not be leased,		
rented or sold to any other <sub>l</sub>	person.		
I, further declare that I am not engaged in any other business/not vending from any other vending site/not employed with any organization.			
Name and Signature of the	Vendor:		
Registration/Certificate of	Vending Number:		
•			
Date :	Signature of the Vendor		
Place:			

[SeePara 6 (2) & 10 (3) of the scheme]

# APPLICATION FOR GRANT OF CERTIFICATE OF VENDING

- 1. Name of the Applicant-
- 2. Residential Address-
- 3. Name of dependent family members-
- 4. Nature of Vending-
- 5. Proposed area of Street Vending (Vending Zone)
- 6. Aadhaar Card No.-
- 7. Whether belong to BPL category-

I, undertake that in the event of any of the information furnished above being found to be false or incorrect in any respect, the certificate is liable to be cancelled.

Dated:	Signature
Place:	

#### FORM V

[SeePara 7 (1) of the scheme]

#### FORMAT FOR CERTIFICATE OF VENDING

- 1. Name of the vendor:
- 2. Name of the spouse or dependent child if involved in vending with the vendor:
- 3. Photo of the vendor along with his spouse or dependent child if involved in vending with the vendor:
- 4. Age and sex of the person whose photo appears:
- 5. Address of the street vendor where he is residing:
- 6. Category of vending:
  - i. Mobile:
  - ii. Stationary:
  - iii. Any other (specify):
- 7. Name of the vending place (whether it is historical place, park, market, in front of school, college, hospital, bus stand or mall etc.):
- 8. Name of the local authority:
- 9. Date of issue of the certificate of vending:
- 10. Validity of certificate (since the law provides for survey every five year, the certificate of vending should also be issued for a period of five years):
- 11. Unique registration number:
- 12. The signature of the authority with seal:

## FORM VI

# [See Para 9 (1) of the scheme]

# **IDENTITY CARD**

1.	Name	Pnotograpn
	(Street Vendor)	Passport size
		Signature
2.	Registration No.	
3.	Age	
4.	Sex	
5.	Residential Address	
6.	Vending Zone/Address of the vending site:	
7.	Category of Vending:	
8.	Municipal Ward:	
9.	Telephone No. (if any):	
10.	Name of the Police Station:	
11.	Blood Group:	
12.	Identity Card valid upto:	
13.	Phone number of the vendor:	



# THE

# JAMMU & KASHMIR OFFICIAL GAZETTE

#### PART III

Laws, Regulations and Rules passed thereunder.

ôôôó

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATO HOUSING AND URBAN DEVELOPMENT DEPARTMENT

#### Notification

Jammu, the 27th April, 2021.

SO-150.ô In exercise of powers conferred by section 34 read with Section 51 of the Jammu and Kashmir Municipal Act, 2000, the Government hereby makes the following bye-laws for Procedure and Conduct of Business of Municipalities; namely:ô

1. **Short title and commencement**.ô (1) These bye-laws may be called the Jammu and Kashmir Municipality (Procedure and Conduct of Business) Bye-laws, 2021.

- (2) These shall come into force from the date of their publication in the official Gazzette.
- 2. **Definition**.ô (1) In these bye-laws, unless the context otherwise requires,ô
  - (a) õActö means The Jammu and Kashmir Municipal Act, 2000;
  - (b) õClauseö means a clause under these Bye-Laws;
  - (c) õFormö means a Form appended to these Bye-Laws;
  - (d) õ**Roll**ö means roll of attendance of the Members of a Municipal Council or a Municipal Committee;
  - (e) õSectionö means a section of the Act;
  - (f) õPoint of orderö means statement asking the presiding authority to prioritize any item of business of asking the presiding authority to correct any irregularity in the conduct of business.
- (2) Words and expressions used but not defined in these Bye-Laws shall have the same meanings as assigned to them in the Jammu and Kashmir Municipal Act, 2000.

#### CHAPTER I

#### Time and Place of Meetings

- 3. Date, time and place of meetings of a Municipal Council or a Municipal Committee.ô (1) The first meeting of a Municipal Council or a Municipal Committee for the election of President and Vice-President after general election shall be held as early as possible but not later than thirty days after the publication of the results of the election of the Members and the date, time and place of such meeting shall be determined by the Deputy Commissioner of the concerned district.
- (2) The date, time and place of subsequent meetings of a Municipal Council or a Municipal Committee shall be fixed by the President by a general or special order passed in that behalf.
- (3) The President or in his absence the Vice-President may, whenever he thinks fit, and shall upon a requisition in writing by not less

- (4) If the office of the President and Vice-President are lying vacant, the duties assigned to the President under clause (3) shall be performed by the Chief Executive Officer/Executive Officer as the case may be.
- 4. **Roll of Members**.ô (1) There shall be a roll of Members elected or nominated under sub-sections (2) and (3) of Section 10 of the Act.
- (2) There shall be an attendance register maintained in Form-B showing the names of the Members. The register shall be placed in the meeting hall at the commencement of each meeting and every Member present and participating in the deliberations of the meeting shall append his signature therein against his name in such register.
- (3) Every Member immediately after he has made and subscribed at a meeting of a Municipal Council or a Municipal Committee an oath or affirmation under sub-section (1) of Section 27 of the Act shall, before taking his seat, sign the said roll.
- (4) The oath or affirmation of the Members shall be administered by the Deputy Commissioner of the concerned District or an officer authorized by him in this behalf.
- (5) The Members shall sit in such orders as the President may determine.

#### CHAPTER-II

#### Election of President and Vice-President

- 5. **Election of President**.ô (1) Every candidate for election as President must be a Member chosen by direct election from the territorial constituencies in the municipal area.
- (2) Every such candidate shall be nominated by a nomination paper in Form-I which shall be signed by the candidate and two other elected Members as proposer and seconder and delivered to the Chief Executive Officer/Executive Officer, between the hours of Ten Oøclock in the

- (3) No Member shall sign as proposer or seconder of the nomination paper of more than one candidate. In case where a member has signed as proposer or seconder nomination papers for more than one candidate, the nomination paper for the candidate which has been first received shall be deemed to be valid and the other nomination papers shall be deemed to be invalid.
- (4) Any candidate may withdraw his candidature at any time before the election is proceeded within the meeting.
- (5) The meeting to conduct election of the President shall be presided over by a Member who is not a candidate for such election and who is either the consensus candidate or the senior most among the Members, as may be determined by the Chief Executive Officer/Executive Officer. The Presiding Member shall have the right to exercise his vote in the election of the President.
- (6) When there is only one candidate validly nominated or when after withdrawal of candidature there is only one such candidate, the presiding authority shall declare him to be duly elected as President.
- (7) When two or more validly nominated candidates offer themselves for election at the meeting, the election shall be held by secret ballot in the manner hereinafter provided.
- (8) Ballot papers containing the names of persons duly nominated shall be furnished to the elected Members at the meeting.
- (9) The ballot box shall remain open for the casting of votes for such period as may be fixed by the presiding authority.
- (10) No Member shall vote for more than one candidate. At the time of voting, each Member shall place a cross (X) on the right hand side of he ballot paper opposite the name of the candidate for whom he wishes to vote, and will then fold the ballot paper and without showing the front of the paper to any person, insert the same in the ballot box in the presence of the presiding authority.

- (11) If a Member votes for more candidates than one or places any mark on the paper by which he may be identified, his ballot paper shall be considered invalid and will not be counted. A vote recorded on a ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given.
- (12) As soon as the period fixed for casting of votes is over, the presiding authority shall open the ballot box and initial each ballot paper.
- (13) The votes for all the candidates shall then be counted by the presiding authority with the assistance of the Chief Executive Officer/Executive Officer or such other Municipal Officer or employee as may be designated by the presiding authority and the candidates shall be arranged in the order of the number of votes obtained by each of them.
- (14) When there are only two candidates or when after withdrawal of candidature there are only two candidates, the candidate obtaining more number of valid votes shall be declared elected as President.
- (15) When there are more than two candidates, and no candidates obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and votes shall be taken again for the remaining candidates in the same manner as prescribed in the foregoing clauses and, in this manner the candidate obtaining the smaller number of votes at each ballot shall be excluded from the election, until one candidate obtains more votes than the aggregate votes of the remaining candidates, and he shall be declared as President.
- (16) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-clause (15) of the clause 5, the determination as between the candidates whose votes are equal, of the candidates, who is to be excluded, shall be by drawing of lots.
- (17) The ballot papers shall be kept by the Executive Officer for three months from the date of election and may then be destroyed by him.

- 6 The J&K Official Gazette, 27th April, 2021/7th Vai., 1943. [No. 4-j
- 7. **Election of Vice-President**.ô The provisions of clauses (5) of these Bye-Laws shall apply, as far as may be, to the election of Vice-President subject to the modification that any reference therein to the presiding authority shall be construed as a reference to the President.

#### CHAPTER III

#### Arrangement of Business and List of Business

- 8. **Ordinary and Special Meetings**.ô (1) Each Municipal Council and Municipal Committee shall ordinarily hold at least one meeting every month.
- (2) The President or in his absence the Vice-President may, whenever he thinks fit and shall, within a period of ten days from the date of receipt of a requisition signed by not less than one half of the total number of members, convene either an ordinary or a special meeting of the Municipal Council or the Municipal Committee as the case may be.
- (3) An ordinary meeting of a Municipal Council or a Municipal Committee shall deliberate an issue of general municipal administration, while a special meeting may be convened for transaction of business of an urgent public importance.
- 9. **Quorum**.ô (1) The quorum necessary for the transaction of business at an ordinary meeting of a Municipal Council or a Municipal Committee shall be one-third of the number of the sitting members, subject to a minimum of three members.
- (2) The quorum necessary for the transaction of business at special meeting of a Municipal Council or a Municipal Committee shall be one-half of the number of the sitting members.
- (3) If at any ordinary or special meeting of a Municipal Council or Municipal Committee a quorum is not present, it shall be the duty of the President or the Member presiding on such meeting either to adjourn the meeting to some other day or to suspend the meeting for the time being until there is a quorum.

- 10. **Preparation of list of business**.ô (1) Every list of business (including a supplementary list) to be transacted at a meeting of a Municipal Council or a Municipal Committee shall be prepared by the Chief Executive Officer/Executive Officer, under the direction of the President in the following order:ô
  - (a) Confirmation of the minutes of the last meeting kept in accordance with Part-I and Part-II of Form-C;
  - (b) any election by a Municipal Council or a Municipal Committee;
  - (c) questions and resolutions;
  - (d) resolutions of the Standing Committees;
  - (e) letters from the Executive Officer and business from the Executive Officer;
  - (f) letters from Government and others; and
  - (g) any other matter.
- (2) The agenda of a special meeting shall be arranged in such order as the President may decide.
- 11. **Notice of meetings and business**.ô (1) A notice of meeting of a Municipal Council or Municipal Committee shall be sent by the Chief Executive Officer/Executive Officer in Form-A appended to every member specifying the date, time and place of meeting.
- (2) A list of the business to be transacted at every meeting except at an adjourned meeting shall be delivered in person to a Member or sent through registered post at the recorded address, or shall be sent on registered email of the Member at least five days before the time fixed for such meeting and no business shall be brought before or transacted at, any meeting other than the business of which a notice has been so given:

Provided that an urgent meeting may be called on a notice of a lesser period than five days :

Provided further that any Member may send or deliver to the Chief Executive Officer/Executive Officer notice of any business beyond the

Provided further that such other business or resolution may be transacted or taken up only with the permission of Chair.

12. **Supplementary agenda relating to certain urgent matters**.ô Notwithstanding anything contained in these bye-laws, the Chief Executive Officer/Executive Officer may prepare under the directions of the President a supplementary agenda with respect to any urgent matter and circulate that list to the Members for consideration at the ensuing meeting whether ordinary, adjourned or a special meeting.

#### CHAPTER IV

#### Questions and Resolutions

- 13. **Questions**.ô (1) A member may ask during the first half of an hour of every ordinary meeting question on any matter relating to the municipal administration of the area or the administration of the Act.
- (2) Not less than seven days clear notice in writing shall be given to the Chief Executive Officer/Executive Officer specifying the question to be asked.
- (3) No question shall be asked which relate to a matter that is not primarily the concern of the Municipal Council or the Municipal Committee or which is under adjudication in the court of law, or which make or imply a charge of a personal character or which repeat in substance question already answered or to which an answer has been refused.
- (4) The decision of the President to allow or disallow a question shall be final.
  - (5) No Member shall ask more than three questions at any meeting.
- (6) The order in which questions are desired to be answered shall be indicated by the Member and if no such order is indicated the question shall be placed in the list in the order in which notices are received in point of time.

- (7) No question shallô
  - (a) bring any name or statement not strictly necessary to make the question intelligible;
  - (b) contain arguments, ironical expressions, imputations, epithets or defamatory statement;
  - (c) relate to an expression of opinion or the solution of a hypothetical proposition;
  - (d) relate to the character or conduct of any person except in his official or public capacity;
  - (e) relate to a matter which is not primarily the concern of a Municipal Council or a Municipal Committee or any of the Municipal authorities;
  - (f) make or imply a charge of a personal character;
  - (g) relate to question of policy too large to be dealt with within the limits of an answer to a question;
  - (h) Repeat in substance question already answered or to which an answer has been refused;
  - (i) relate to information on trivial matters;
  - (j) ordinarily relate to information on matters of past history;
  - (k) relate to information set forth in accessible documents or in ordinary works of reference;
  - (l) raise matters under the control of bodies or persons not primarily responsible to a Municipal Council or a Municipal Committee; or
  - (m) relate to any matter which is pending adjudication before a Court of Law.
- (8) If a question contains a statement, the Member shall be responsible for the accuracy of the contents of such statement.

- 10 The J&K Official Gazette, 27th April, 2021/7th Vai., 1943. [No. 4-j
- (10) After the question has been answered, any Member may put supplementary questions for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that, the presiding authority may disallow any supplementary question if, in its opinion, it infringes any of the provisions of these regulations.

- (11) If the presiding authority is satisfied that sufficient information is not available for an answer, it may direct that the answer to the question may be given later at the same meeting or at the next ordinary meeting of a Municipal Council or a Municipal Committee.
- (12) No debate or speech shall be allowed on any question or answer supplied.
- (13) All questions, whether allowed or disallowed or replied, shall be incorporated in Part-III of the register in Form-C.
- 14. **Question of absent members**.ô If a Member who has given notice of a question is not present when called upon by the President, the question shall be deferred. The member shall be given another chance to move the same question in the two subsequent meetings after which the question shall be deemed to have been dropped.
- 15. **Postponement of questions**.ô If the Chief Executive Officer/Executive Officer declares that the answer to any question is not ready, the question shall stand over to any other meeting to be fixed by the President on receipt of the Chief Executive Officer/Executive Officer answer to the question, and at such meeting the Chief Executive Officer/Executive Officer shall give his answer.
- 16. **Mode of asking questions**.ô (1) When the time for asking questions arrives, the President shall call successively each Member in whose name a question appears on the list of questions.

- (2) The Member so called shall rise in his place and ask the question by reference to its number on the list of questions.
- 17. **Answers to questions**.ô (1) All questions admitted by the President for a ordinary meeting shall be answered orally by the Chief Executive Officer/Executive Officer.
- (2) Such questions which cannot be answered within the allotted time shall be deemed to have been answered.
- (3) If the Chief Executive Officer/Executive Officer declares that answer to any question is not ready, the question shall stand over to any other meeting to be fixed by the President on receipt of the answer to the question.
- (4) The Chief Executive Officer/Executive Officer shall not be bound to answer a question if it asks for information which has been communicated to him in confidence or in the opinion of the President it cannot be answered without prejudice to public interest or the interest of a Municipal Council or a Municipal Committee.
- 18. **Notice of resolutions**.ô (1) A member who wishes to move a resolution shall give at least, forty-eight hours notice to the Chief Executive Officer/Executive Officer of his intention and shall together with the notice submit a copy of the resolution which he wishes to move.
- (2) The President shall admit a resolution for a particular meeting if it satisfies the following conditions, namely :ô
  - (i) it must relate to a matter of general public interest concerning the functions of the Municipality under the Act;
  - (ii) it shall be clearly and precisely expressed;
  - (iii) it shall raise substantially one definite issue; and
  - (iv) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements.
- (3) No Member shall be permitted to send notice of more than three resolution for a monthly meeting.

- 12 The J&K Official Gazette, 27th April, 2021/7th Vai., 1943. [No. 4-j
- (5) The President may instead of disallowing a resolution on the ground that it does not relate to a matter of general public interest refer it to the Committee concerned with the subject matter thereof.
- 19. **Moving the resolutions**.ô (1) A member in whose name a resolution stands in the list of business shall, when called upon, move the resolution.
- (2) After a resolution has been moved it shall be seconded by another Member.
- (3) A resolution of the Standing Committees shall be moved by the Chairman of the respective Committee, or in his absence, by any member of the concerned Committee.
- (4) After a resolution has been moved and seconded, any Member may move an amendment to the resolution and such amendment too shall be seconded by another Member.
- (5) A resolution or an amendment not moved or not seconded shall fail through.
- 20. **Power of President to group items of business**.ô The President shall be competent, with the consent of the majority of the Members present to submit for consideration as one subject any two or more items of business relating to the same subject although such items may not have been grouped together on the list of business.
- 21. **Discussion of resolution**.ô The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.
- 22. **Amendment**.ô (1) After a resolution has been moved and seconded, any Member may move an amendment to the resolution and such amendment too shall be seconded by another Member.
  - (2) An amendment which has not been seconded shall fall through.
- 23. **Withdrawal of resolution**.ô A Member who has moved to resolution or an amendment to a resolution shall not withdraw the same except with the leave of the Chair.

- No. 4-j] The J&K Official Gazette, 27th April, 2021/7th Vai., 1943. 13
- 24. **Voting of resolution or motion.**ô (1) When a resolution or motion has been discussed, the President may put it to vote of the Members.
- (2) A resolution or motion shall be decided by a majority of the votes of the elected Members present in the meeting.
- (3) In case of equality of votes, the President or the Members presiding on such meeting shall have a second casting vote.
- 25. **Lapse of resolution**.ô Any resolution appearing in the list of business for any month which does not come up for consideration within the next three following months shall lapse.
- 26. **Resolution in respect of certain matters**.ô (1) A resolution of all Standing Committees shall be moved by the Chairman of the respective Committee, if he so desires, or if he does not desire to move it or is absent, by any member of the concerned Committee present, or failing him by any other member of a Municipal Council or a Municipal Committee.
- (2) Any of the matters referred to in clause 10 (1) (d) under these Bye-laws shall be moved at the meeting by the Chairman of the Committee concerned with the subject matter thereof or in his absence by any other member of that Committee or failing both by any other member of a Municipal Council or a Municipal Committee.

#### CHAPTER V

### Procedure for Conducting No Confidence Motion against President for Vice-President

- 27. **No Confidence Motion**.ô The No Confidence Motion brought under Section 25 of the Jammu and Kashmir Municipal Act, 2000 against the President or Vice-President of Municipal Committee/Council as the case may be shall be considered and disposed of as per the following procedure :ô
  - (1) Where a notice of intention to move a resolution requiring the President or Vice-President of Municipal Committee/Council to vacate his office, a special meeting of the elected Councillors shall be called for. Such special meeting shall be requisitioned

- - (2) Notwithstanding anything contained in these Bye-laws, the President or Vice-President of the municipality shall not preside over a meeting in which a motion of no confidence is discussed against him. Such meeting shall be presided over by a Councillor elected by majority of the elected members and the persons against whom a motion of no confidence is moved, shall have a right to vote and to take part in the proceedings of such a meeting.
  - (3) In case the notice not being issued by the President within the stipulated date or not convening the meeting within stipulated time, the special meeting shall be called by the Chief Executive Officer/Executive Officer within three days thereafter.
  - (4) The notice issued for considering no confidence motion against the President or Vice-President shall clearly contain the reasons/allegations on which the No Confidence Motion is to be brought.
  - (5) As soon as the meeting, called for, commences, the presiding member at the meeting shall read out the motion on which the meeting has been called before the members present and declare it open for deliberations. During deliberations, opportunity shall be given to the President or Vice-President against whom no confidence motion is moved, to defend himself. The motion shall be put to vote by the presiding member by secret ballot on the same day. If motion of no confidence is carried by resolution passed by the majority of elected members and voting at its special meeting the President or Vice-President against whom such resolution is passed shall cease to hold office forthwith.

- (6) In the event of both the posts of President or Vice-President falling vacant as a sequel to the passage of the No Confidence Motion, till the new President or Vice-President are elected for the remainder period, all the powers and duties which, under the provisions of the Act or the Rules or the regulations made thereunder or any other law for the time being in force, shall be exercised by the Chief Executive Officer/Executive Officer of the Municipality.
- (7) On completion of the no confidence motion process, the Chief Executive Officer/Executive Officer shall submit a written report to the District Election Officer immediately.
- (8) Where the posts of President or Vice-President fall vacant as a consequence of no confidence motion, the process of electing new President or Vice-President for the remainder period shall be completed within 30 days by the Deputy Commissioner (District Election Officer) of the concerned District.

#### **CHAPTER-VI**

#### General Rules of Procedure

- 28. Language to be used at meetings of a Municipal Council or a Municipal Committee.ô (1) The business at a meeting of a Municipal Council or a Municipal Committee shall be Urdu, Hindi, or English.
- (2) The President shall be at liberty to expunge from a notice of resolution any matter which he may consider to be defamatory or grossly offensive, and if he deems proper, he may disallow the resolution altogether on those grounds.
- (3) If the President is of the opinion that words have been issued by any Member in any meeting which are defamatory or indecent or unparliamentarily or undignified he may, in his discretion, order that such words be withdrawn and the Member concerned shall comply with the order and such words/remarks be expunged from the records of the proceedings.

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Provided that the presiding authority may reduce or increase the time prescribed herein according as the occasion demands.

- 30. **Rules to be observed while speaking**.ô The following procedure shall be observed at a meeting of a Municipal Council or a Municipal Committee :ô
  - (a) a Member desiring to make any speech or observation on any matter under discussion in the meeting shall speak from his place, shall rise when he speaks, and shall address the President.
  - (b) if at any time the President rises to speak, the Member speaking or offering to speak shall resume his seat forthwith.
  - (c) all questions from one Member to another relating to the business of the meeting shall be put through the Chair.
  - (d) no Member shall speak more than once on any matter but the proposer may speak in conclusion also after hearing all others, who wish to speak.
  - (e) written speeches shall not be read without the permission of the President.
  - (f) the speech shall be strictly relevant to the matter under discussion before the meeting and Member while speaking shall notô
    - (i) refer to any matter or fact on which a judicial decision is pending;
    - (ii) make a personal charge against a Member or Officer or other employee of the Government or a Municipal Council or a Municipal Committee;
    - (iii) make use of offensive expression regarding the Parliament or any State Legislature or any public institution;

- (iv) reflect upon the conduct of the Lieutenant Governor of Jammu and Kashmir or Government of Jammu and Kashmir, or any Minister or Chief Executive Officer/ Executive Officer, or of any court of law acting in the exercise of its judicial functions;
- (v) utter treasonable, seditious or defamatory words; or
- (vi) use his right of speech for the purpose of willfully and persistently obstructing the business of a Municipal Council or a Municipal Committee.
- (g) the President after having called the attention of the meeting to the conduct of a Member who acts in contravention of clause (f) or persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by any Member in debate, may direct him to discontinue his speech, and he shall discontinue it forthwith.
- 31. **Priority to an item of business**.ô (1) With the consent of the majority of the members present at any meeting, the President may give priority to any item of agenda, irrespective of the order in which such item sands on the list of said agenda.
- (2) The President may allow any urgent matter included in the supplementary list of business under clause 12 to be taken up for consideration at any stage of the proceedings of a Municipal Council or a Municipal Committee.
- 32. **Motion for adjournment of debate or meeting**.ô When a Member moves a motion for adjourning the debate or the meeting, the President may at once put it to the vote after, giving the member such reasonable opportunity as he thinks proper to state the reasons for or against such motion.
- 33. **Adjournment motion not to be moved in the middle of speech**.ô No motion for adjournment of the debate or the meeting, shall be involved while a Member is speaking:

Provided that the President may at any time adjourn the meeting with the consent of the majority of the Members.

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- (2) The minutes of the proceedings shall be signed by the President or the Member presiding in the meeting.
- (3) The minutes of the proceedings of a previous meeting of a Municipal Council or a Municipal Committee shall be taken as read unless the majority of the Members present request that such minutes to be read.
- (4) If any Member present draws the attention of the meeting to any error or omission in the minutes of the previous meeting, such correction shall be made therein as the President, after taking the sense of the meeting, deems fit.
- (5) The minutes of the proceedings shall at all reasonable times be available at the office of the Municipal Council or the Municipal Committee without any charge by any member or by any person on payment of such fee as the President may decide.
- 35. **Voting how to be counted**.ô (1) Primarily questions put to vote shall be decided by raising of hands and decision of the presiding authority shall be final.
- (2) Save as otherwise provided in these bye-laws, when voting is demanded by at least five Members the President shall direct those who desire to vote for a motion and those who desire to vote against such motion to form themselves into two groups.
- (3) Two tables having respectively placards õAyesö and õNoesö shall be placed at the end of the two corners of the hall permanently and as soon as voting is demanded, the Chief Executive Officer/Executive Officer shall place a list of Members on each Table and the Members having right to vote under section 4 (3) of the Act will go and initial before their names in the presence of tellers appointed by the President.
- (4) The voting for and against the motion shall be counted by the teller and recorded in the minute book.

- 36. **Meetings to be open to public.**ô Every meeting of Municipal Council or Municipal Committee shall be open to the public, unless a majority of the Members present decide by a resolution, which shall be put by the President of his own motion or at the request of any Member present, without any discussion, that the deliberation of the Municipal Council or Municipal Committee be held in private.
- 37. Admission of public in meeting.ô (1) The President may regulate the admission of the public to witness the proceedings of a Municipal Council or Municipal Committee in accordance with such orders as he may from time to time make in this behalf.
- (2) While making such order the President shall take into consideration the seating capacity of the gallery available for the general public, the procedure to be followed for applying for and granting of admission to public, time limit for such admission and the rules of conduct to be followed by the public while witness the proceedings of a Municipal Council or Municipal Committee.
- 38. **Removal of members of the public from meetings**.ô The President may at any time cause any member or the public admitted to a meting to be removed, if necessary by force, if such person interrupts or disturbs the proceedings of the meeting in any manner whatsoever.
- 39. Powers of persons presiding in the absence of President and Vice-President.ô The person presiding over a meeting of a Municipal Council or a Municipal Committee in the absence of the President and the Vice-President shall, when so presiding have the same powers as the President when so presiding and all references to the President in these bye-laws shall in those circumstances be deemed to be references to any such person so presiding.
- 40. Forwarding minutes and reports of proceedings to Government.ô (1) The Chief Executive Officer/Executive Officer of Municipal Council or Municipal Committee shall forward to the Deputy Commissioner and the Director a copy of the minutes of the proceedings of each meeting of the Municipal Council or Municipal Committee within three days from the date of the meeting.

- (2) The Director or the Government may also in any case as for a copy of any paper or all the papers which were laid before a Municipal Council or Municipal Committee or any committee thereof and the Municipal Council or Municipal Committee shall forward to the Government, a copy of such paper or papers.
- 41. **Validation of proceedings etc.**ô (1) A Municipal Council or a Municipal Committee shall have power to act notwithstanding any vacancy in membership thereof and no act done or the proceedings taken under this Act shall be questioned on the ground merely ofô
  - (a) the seat of any Member remaining unfilled for any cause whatsoever;
  - (b) the existence of any vacancy in, or any defect in the constitution of the Municipal Council or Municipal Committee, or in any committee thereof:
  - (c) Member having voted or taken part in any proceeding in contravention of Section 61 of the Act read with these bye-laws;
  - (d) any defect or irregularity not affecting the merits of the case.
- (2) Every meeting of a Municipal Council or a Municipal Committee or of any Committee thereof, the minutes of proceeding of which have been duly drawn up and signed, shall be deemed to have been duly convened.

#### **CHAPTER-VII**

#### Procedure and Conduct of Business of Standing Committees

- 42. Convening of meetings of Standing Committees.ô (1) The date, time and place of the first meeting of the standing committees after its constitution, shall be fixed by the President.
- (2) The date, time and place of every subsequent meeting of any such Committee shall be fixed by the Chairman of the respective Committee.

- 43. **Election of Chairman**.ô (1) The elected members of all the Standing Committees shall elect its Chairman or Vice-Chairman, as the case may be to preside at its first meeting each year.
- (2) The procedure prescribed in Clause 5 of these bye-laws for the election of President shall, as far as may be, apply for the election of Chairman or Vice-Chairman as the case may be under this clause subject to the modification that references to the presiding authority in the said clause shall be construed as references to the person nominated under Sub-Clause (1).
- 44. Tenure of the Members of the Standing Committees.ô One half of the members of the Standing Committee shall retire on the completion of one year from the date of its constitution. For the first year, the members who shall retire shall be selected by draw of lots before the expiration, in such manner as the Chairman of the Standing Committee may determine. During each succeeding year, after completion of one year, one half of the members who have been longest on the office shall retire therefrom. The resultant vacancies in the Standing Committee shall be filled up by election of members as provided in the Act/Bye-Laws:

Provided that the first such retirement shall be effected within one month from the date of notification of these Bye-laws:

Provided further that a member cannot serve on a committee for two consecutive terms. However, the retiring member shall be eligible for re-election to the same Standing Committee after a gap of at least one year.

- 45. Casual Vacancies.ô (1) When a casual vacancy occurs in a Standing Committee, the vacancy shall be filled up within one month of occurrence of the vacancy by election of another Councillor.
- (2) A member elected to fill a casual vacancy shall be elected to serve for the remainder of his predecessors term of office.
- 46. **Special Meetings**.ô The Chairman of a Committee, whenever he thinks fit, or on a written requisition signed by the Chief Executive Officer/Executive Officer, or by not less than three members of the

- 47. **Quorum.**ô (1) No business shall be transacted at a meeting of the Standing Committees unless three members of that Committee are present.
- 48. **Resolution**.ô A member, who desires to move any resolution, shall give notice of his intention to the Chief Executive Officer/Executive Officer at least two clear days before the day of meeting of the Committee at which such resolution is to be brought forward.
- 49. **List of Business**.ô The Chief Executive Officer/Executive Officer shall send to each member on the day previous to the meeting the list of business for the meeting and except in special circumstances and with assent of the members present, no business not entered on such list shall be transacted at a meeting of the Committee.
- 50. Procedure for the conduct of business of a meeting of a Standing Committee.ô Save as otherwise provided in these bye-laws the procedure laid down for conduct of business of a meeting of a Municipal Council or a Municipal Committee shall, as far as may be, be followed for the conduct of business at a meeting of any Standing Committee.

#### CHAPTER-VIII

#### Procedure and Conduct of Business of Ward Committee

- 51. Constitution of Ward Committee.ô (1) The Chief Executive Officer/the Executive Officer, shall, within a period of six months from the date appointment for the first meeting of Councillors as referred to in sub-section (1) Section 27 of the Act constitute a ward committee for every ward as specified in Section 33 (A) of the Act.
  - (2) Each Ward Committee shall consist ofô
    - (i) the member of the Municipality representing the ward, who shall be the Chairman of the Ward Committee;
    - (ii) the Area Sabha representative, if any, of the area situated in the ward; and

- (iii) not more than ten representatives from the civil society nominated by the Municipality satisfying following conditions:ô
  - (a) it shall be a registered entity under any law for the time being in force, comprising of individuals who serves in a fiduciary capacity;
  - (b) its registered office shall be located in the jurisdiction of that ward;
  - (c) it shall have actively engaged in the activities for not less than three years; and
  - (d) it shall be working for social welfare, including welfare of community, residents, professionals etc. and promotion of health, education, culture, trade or industry:

Provided that if the population of the ward does not exceed two thousand, the number of nominated members shall be four, and if the population of the ward exceeds two thousand, there shall be one additional member for every thousand population or part thereof in excess of two thousand:

Provided further that in reckoning the number of additional members other Ward Committee exceeding four, any part of population less than one thousand shall be ignored:

Provided also that half of the persons to be nominated the expression to the Ward Committee shall be women.

- (3) Any person disqualified from being elected as a member of a municipality shall not be nominated as member of the Ward Committee.
- (4) The term of office of Ward Committee shall be co-terminus with the term of office of the Municipality.
- 52. **Meetings of Ward Committees**.ô The Chairman concerned shall, convene the meeting of every ward committee once in every three months and as and when required during the interim period, and give notice intimating the venue, date and time of the meeting to the members at least seven days before the day of the meeting.

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- (2) The Chairman of the meeting shall, if quorum is not obtained within thirty minutes after the time fixed for the meeting is over, postpone the meeting to another day and give notice thereof to the members and also publish the same :

Provided that the meeting so postponed shall be convened again within 15 days.

- 54. **Register of member**.ô A register containing the names and details of the members shall be maintained and the members attending the meeting shall mark their attendance in that register.
- 55. **Proceedings of the meeting.**ô (1) An officer of appropriate rank shall be designated by the Chief Executive Officer/Executive Officer to act as Secretary for each Ward Committee to provide all administrative assistance to it.
- (2) The Secretary of the Ward Committee shall be the convener of the meeting of the Ward Committee who shall convene the meeting in consultation with Chairman.
- (3) The Secretary shall, in consultation with the Chairman of the Ward Committee, prepare the agenda by including the business to be transacted in the Ward Committee and read it over to the members at the beginning of the Ward Committee meeting.
- (4) All minutes of the proceedings of the meeting of the Ward Committee shall be recorded by the Secretary and a copy of the same shall be forwarded to the Municipality.
- (5) The decisions of the Ward Committee shall normally be taken by the majority of the nominated members of the Ward Committee :

Provided that the Chairman may exercise a -vetoø over any decision by giving reasons in writing. The decision of the Chairman shall be final and binding.

(6) No act done or proceedings taken under this Act by the Wand Committee shall be invalid merely on the ground of any vacancy in it.

- (7) The Chief Executive Officer/the Executive Officer of his nominee, shall be entitled to take part in the meetings and deliberations of the Ward Committee. The Chairman of the Ward Committee may request the representatives of concerned departments as special invitees to participate in the meetings.
- (8) The Ward Committee may, from time to time, appoint from amongst its members such sub-committees, consisting of such number of members as it may think fit, and may refer to such sub-committees for enquiry or opinion any matter elating to the functions entrusted to it.
- (9) Save as otherwise provided in these regulations the procedure laid down for conduct of business of a meeting of a Municipality or a Standing Committee shall, as far as may be, be followed for the conduct of business at a meeting of any Ward Committee.

#### CHAPTER-IX

#### Procedure and Conduct of Business of Area Sabha

- 56. **Constitution of Area Sabha**.ô Each ward in a municipality shall be divided into areas in such a manner that each area shall, as far as possible, comprise of not less than five hundred and not more than one thousand people.
- 57. **Area Sabha Representatives**.ô All the electors of an area of a ward shall constitute the Area Sabha for such area and every Area Sabha shall elect an Area Sabha Representative from amongst themselves.
- 58. **Disqualifications for being an Area Sabha Representative**.ô Any person disqualified from being elected as a member of a Municipality shall not be an Area Sabha Representative.
- 59. **Election of Area Sabha Representative**.ô Election of Area Sabha Representative shall vest in the Chief Electoral Officer. Accordingly the superintendence, direction and control of electoral rolls and conduct of election of Area Sabha Representative shall be vested in the Chief Electoral Officer.

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- - (a) he resigns his office by notice in writing, under his hand addressed to the President of the Municipality and thereupon his office shall become vacant from the date of the notice;
  - (b) his election is void or is deemed to be void, under the provision of any law;
  - (c) he incurs any other disqualifications prescribed by or under any law for law for the time being in force for the purpose of election to the municipality.
- 61. **Meetings of Area Sabha**.ô (1) The Area Sabha Representative shall preside over the meeting of the Area Sabha.
- (2) The Area Sabha shall meet once in three months and also at other times as often as a meeting is called by the Area Sabha Representative in a premises identified by the Executive Officer or an officer authorized by him.
- (3) No meeting of the Area Shaba shall be held on the day on which a meeting of the municipality or ward committee is scheduled to be held. The Area Sabha Representative shall fix the date and time of meeting and inform it to all the electors in the area through the Secretary of the ward committee.
- (4) At least twenty voters shall be present at the meeting of the Area Sabha.
- (5) The agenda for the meeting of Area Sabha shall be prepared by the Secretary of the Ward Committee concerned in consultation with Area Sabha Representative. The discussions in the Area Sabha shall be confined to the functions entrusted to it. All decisions in the Area Sabha shall be as far as possible arrived at through a consensus of the members present. Where consensus is not possible, the decision shall be taken by the majority of the members present. The Area Sabha shall pass resolutions

- (6) Save as otherwise provided in these Bye-laws the procedure laid down for conduct of business of a meeting of Ward Committee or a Municipality shall, as far as may be, be followed for the conduct of business at a meeting of Area Sabha.
- 62. **Repeal and Saving**.ô (1) The Jammu and Kashmir Municipality (Procedure and Conduct of Meeting) Bye-Laws, 2005 are hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the bye-laws so repealed shall be deemed to have been done or taken under the corresponding provisions of these bye-laws.

By order of the Lieutenant Governor.

(Sd.) DHEERAJ GUPTA, IAS,

Principal Secretary to the Government, Housing and Urban Development Department.

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[See Clasue 11(1)]

# Form of Notice of meeting

# Office of the Municipal Council/Committee.....

То,	
	Shri,
	Councillor/Member Ward No
	Municipal Council/Council
Municipatis enclo	is hereby informed that an ordinary/Special meeting of the pal Council/Committee has been organized on(date)
No. :	
Date :	
	Chief Executive Officer/Executive Officer, Municipal Council/Committee,
	666666666666666666666666666666666666666

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#### Annexure

List of business to	be transacted fo	r consideration	in the meeting of
Council/Committee	fixed on	at	(time).

S. No.	Subject
1.	
2.	
3.	
4.	
5.	
6.	

(Signature)	
Name	• • •
Designation	•••

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## [See Clasue 4(2)]

# Attendance Register

Date of meeting.....

Sl.	Ward No.	Name of the	Signature or thumb
No.		Member/Councillor	impression
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1.			
2.			
3.			
4.			
5.			
6.			

(Signature) (Signature)

Chief Executive Officer/Executive Officer

Presiding Officer

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#### **FORM-C**

[See Clasue 34(1)]

# Minute Book of Municipal Council/Committee...... PART-I.

Date and	Name of	Name of others	Proceedings
time of the	Member/Councillor	who have attended	in brief
meeting	present	the meeting	
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(Presiding Authority).

## PART-II

Date and time	Subject of motion	Working of motion	Names of proposer and	Amendif a	Numbers of votes given		Final resolution after the vote		
of			seconder					amendm	ents
meet-									
ing				Working	Names	For	Again-	Work-	Ser-
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					Propos-				No.
					er (ii)				
					Second-				
					er				
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(Si	gr	าล	tu	re	١.	 	 		_	_

(Presiding Authority)

#### **PART-III**

[See Clasue (13)13]

# Register of questions

Date of meeting.....

Question	Name of the	Whether	Reply	if reply
	Member/Councillor	allowed or	given	given, by
	by whom tabled	disallowed	if any	whom
	the question			given
óóóóóóóó	οδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδ	óóóóóóóóóóó	óóóóóóóóó	óóóóóóóóó
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Signature Signature......

Chief Executive Officer/Executive Officer (Presiding Authority)

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### NOMINATION PAPER

[See Clasue 5(2)]

Election of President/Vice-President, Municipal Council/ Committee......

## (To be filled by the Proposer)

I hereby nominate President/Vice-President.	as a candidate for election as
Full Name of Proposer	
Full Name of Seconder	
Name of Candidate	
Signature of Proposer	Signature of Seconder
(To be filled by	the Secretary)
S. No. of Nomination Paper	
This nomination paper was delivered (hour) onby the Candida	•
Dated	Signature of Secretary
Receipt for nomination paper person presenting the no	
S. No. of Nomination Paper	
This nomination paper ofis President/Vice-President of the Moofwas at(hour) onby	Iunicipal Council/Committee delivered to me at my office
Dated	Signature of Secretary.



# JAMMU AND KASHMIR OFFICIAL GAZETTE

#### PART III

Laws, Regulations and Rules passed thereunder.

# GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HEALTH AND MEDICAL EDUCATION DEPARTMENT

#### Notification

Jammu, the 13th November, 2020.

SO-347.ô In exercise of the powers conferred by section 46 of the Pharmacy Act, 1948, the Lieutenant Governor of Union Territory of Jammu and Kashmir is pleased to make the following rules, namely :ô

#### CHAPTER I

#### **Preliminary**

1. **Short title**.ô (1) These rules may be called the Jammu and Kashmir Pharmacy Council Rules, 2020.

- (2) They shall come into force from the date of their publication in the Official Gazette.
- 2. **Definitions**.ô (1) In these rules, unless the context otherewise requires,ô
  - (a) õActö means the Pharmacy Act, 1948 (8 of 1948);
  - (b) õCouncilö means the Jammu and Kashmir Pharmacy Council constituted under Section 19 of the Act;
  - (c) õExecutive Committeeö means the Executive Committee under Section 27(1) of the Act;
  - (d) õGovernmentö means the Government of Union Territory of Jammu and Kashmir;
  - (e) õMinisterial Staff'ö mean the functionaries engaged/appointed by the Council under clause (b) of Section 26 of the Act;
  - (f) õPresidentö means the President elected/nominated under Section 23 of the Act;
  - (g) õRegistrarö means Registrar appointed by the Council under Section 26 of the Act;
  - (h) õSectionö means a Section of the Act;
  - (i) õTreasurerö means the President acting as a Treasurer under sub-section (a) of Section 26 of the Act.
- (2) Words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Pharmacy Act, 1948.
- 3. **Place of office**.ô The office of the Council shall be situated at Jammu and Srinagar or any other place as prescribed by the Government from time to time.

#### CHAPTER II

#### **Election Representatives of Registered Pharmacists**

4. **Preparation of Electoral Rolls**.ô (1) For the purpose of election under clause (a) of section 19, the President shall prepare the electoral roll of registered pharmacists from the register of registered pharmacists. The

- (2) The electoral roll shall be kept open for inspection in the Office of the Council at least thirty days before the last date fixed for receipt of nomination papers under rule 6. The Registrar shall at the same time issue a notice in the official Gazette and in four newspapers in Form 2, calling upon the registered pharmacist to send their objections or suggestions, if any, with regard to the entries in the electoral roll before a date specified in the notice, which will not be earlier than fifteen days of the publication of the notice. All objections received before the date specified in the notice shall be considered by the President and corrections made, if necessary in the electoral roll.
- (3) Any registered pharmacist aggrieved by the decision of the President may within five days from the date of receipt of the order, prefer an appeal to Administrative Secretary, Health and Medical Education Department.
- (4) Copies of the electoral roll shall be made available for sale at a price to be fixed by the President.
- 5. **Returning Officer**.ô The President or person authorized by the Government shall be the Returning Officer.
- 6. **Fixation of stages of election**.ô (1) The Returning Officer shall fix the date, hour and place for the following stages of the election, namely :ô
  - (a) receipt of nomination papers;
  - (b) scrutiny of nomination papers;
  - (c) receipt of voting papers; and
  - (d) counting of votes.
- 7. **Notice of election**.ô At least thirty days before the date fixed for the receipt of nomination papers, the Returning Officer shall publish in the Official Gazette and in at least four newspapers selected by him, a

- Nomination of candidates.ô (1) Every registered Pharmacist whose name appears in the electoral roll prepared under rule 4 (hereinafter referred to as the elector in this part) shall be qualified for election under this part.
- (2) Candidates qualified fer election shall be proposed and seconded by pharmacists qualified as electors.
- (3) The nomination papers shall be in Form 3 and the forms shall be supplied by the President to every candidate on his requisition.
- (4) Every nomination paper duly completed and signed by the proposer and seconder and subscribed by the candidate himself as assenting to the nomination shall be sent by post or otherwise, so as to reach the Returning Officer on or before the date and the time appointed under rule 6 for receipt of nomination paper. Nomination papers received after the time so fixed shall be rejected. The Returning Officer shall immediately on receipt of a nomination paper record thereon the date and the time of its receipt by him.
- 9. **Scrutiny of nomination papers**.ô On the date appointed for scrutiny of nomination papers, the candidates and one proposer and seconder of each candidate may, attend at the appointed time and place, and the Returning Officer shall give them all reasonable facilities to examine the nomination papers which have been delivered within the time fixed for their receipt under rule 6.
- 10. **Disposal of Objections and Rejection of nomination**.ô (1) The Returning Officer shall examine the nomination papers and shall decide all objections and either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, refuse any nomination for any of the following reasons, namely :ô
  - (a) that the candidate or his proposer or his seconder is not an elector;
  - (b) that there has been any failure to comply with the provisions of the Act or the rules made thereunder; and

- (c) that the signature of the candidate or his proposer or his seconder is not genuine or has been obtained by fraud.
- (2) Where an elector has subscribed as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, only such of the papers so subscribed as have been first received, up to the number of vacancies to be filled shall be deemed to be valid; and the rest shall be deemed to be invalid and rejected.
- 11. **Completion of scrutiny**.ô (1) The Returning Office shall endorse on each nomination paper his decision whether the nomination paper has been accepted or rejected; and in case the nomination paper has been rejected the reasons therefor.
- (2) The scrutiny shall be completed on the day appointed in this behalf and no adjournment of proceeding shall be allowed.
- 12. **Withdrawal of candidature**.ô Any candidate may withdraw his/her candidature within three days of completion of scrutiny of nominations by notice in writing signed by him and delivered to the Returning Officer.
- 13. **List of valid nominations**.ô On completion of the scrutiny of nominations and after the expiry of the period within which a candidate may withdraw his candidature under rule 12, the Returning Officer shall forthwith under his signature publish on the notice board at the office of the Council a list of valid nominations.
- 14. **Procedure at uncontested elections**.ô After the publication of the list of valid nominations if the number of validity nominated candidate does not, exceed the number of vacancies to be filled in, the Returning Officer shall forthwith declare such candidates to be duly elected to fill such vacancies, and report the names of such candidates to the Union Territory Government.
- 15. **Contested election**.ô (l) When there are more candidates than there are vacancies, the voting shall be by postal ballot.
- (2) The Returning Officer shall forthwith publish the names and addresses of the contesting candidates in the Official Gazette and on the notice board at the office of the Council.

- 16. **Printing of voting papers**.ô The Returning Office shall arrange for the printing of papers in Form 4 with the name of the contesting candidates entered therein in alphabetical order according to the official language.
- 17. **Dispatch of voting papers to electors**.ô (1) Twenty-one days before the date fixed for the receipt of voting papers under rule 6, the Returning Officer shall send to every elector by post under certificate of postingô
  - (a) one voting paper in Form 4 signed by him;
  - (b) a similar blank cover with the words õVoting Paperö printed thereon; and
  - (c) a larger cover addressed to himself in Form 5.
- (2) The Returning Officer shall make a mark in one copy of the electoral roll against the name of every elector to whom a voting paper and covers have been sent. The marked copy of the electoral roll and the counterfoils of the voting papers sent shall be sealed in a packet immediately after the date fixed for receipt of voting papers under rule 6.
- 18. **Issue of duplicate voting paper**.ô If any elector has not received his voting paper and covers or has inadvertently spoilt the papers or lost them, he may sent to the Returning Officer at least seven days before the date fixed for receipt of voting papers under rule 6 a declaration to that effect signed by himself and the spoilt papers, if any, and require the Returning Officer to send him duplicate papers in place of those not received, spoilt or lost. When duplicate papers are issued, a record thereof shall be kept by the Returning Officer and a mark õDuplicateö made on the larger cover and on the voting paper issued. The Returning Officer shall cancel any spoilt papers received back from the elector.
- 19. **Delivery of voting paper to elector in person**.ô Any elector whose voting paper is retuned undelivered may apply to the Returning Officer in person for such voting paper before the date fixed for receipt of voting papers under rule 6 and take delivery of the voting paper after satisfying the Returning Officer of his identity and on giving a receipt.

- No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942.
- 20. Recording of votes by elector.ô (1) On receipt of the voting paper, an elector shall record his votes by putting crosses in column 3 of the voting paper against the names of candidate to whom he wishes to give his votes. The elector shall have as many votes as there are vacancies and can give only one vote each candidate. The elector shall not reveal his identity on the voting paper by putting his signature or by any other means.
- (2) After recording his vote, the elector shall put the voting paper in the smaller cover, close it and put it in the larger cover. The elector shall then close the larger cover and write his full name and sign at the places marked on the larger cover. The larger cover shall be sent by post or otherwise, so as to reach the Returning Officer on or before the date and the hour appointed under rule 6 for receipt of voting papers.
- (3) Any elector, who is under any disability which incapacitates him from recording his vote in the above manner, may take the assistance of a Gazetted Officer or a Magistrate in recording his votes. Such Officer shall, in such case record on the back of the larger cover a certificate in the following manner, namely:ô

õI.	hereby certify
	(Name of the officer)
tha	atbeing incapable
	(Name of the Elector)
of	recording his votes due torequested (cause incapacity) me to record his votes and I have recorded his tes according to his desire and in his presence.ö
	Signature
	Designation

21. Custody of voting papers.ô All covers containing voting papers shall on request be kept in a sealed box by the Returning Officer after noting the date and time of receipt on each cover. Any cover received after the date and time fixed for receipt of voting papers under rule 6 shall be kept in a separate packet and shall not be opened.

- 22. **Scrutiny and counting of votes**.ô (1) The scrutiny and counting of votes shall be undertaken by the Returning Officer at the time, on the day and at the place appointed under rule 6.
- (2) A Candidate or not more than one representative duly authorized by him may remain present at the time of counting votes.
  - (3) The whole voting paper shall be treated as invalid in caseô
  - (a) the elector has failed to write his full name and make his signature on the larger cover in which the smaller cover containing the voting paper is kept;
  - (b) the mark õXö is placed opposite the names of more candidates than the number of seats to be filled or if more votes are given then he is entitled to under sub-rule (1) of rule 20; or
  - (c) the elector has put his signature on the voting paper or has made any other mark thereon which may reveal his identity.
- (4) If the Returning Officer receives more than one voting paper from one smaller cover, or more than one smaller cover in any larger cover, all such voting papers shall be treated as invalid.
- (5) If the mark õXö is placed as to make it doubtful to which candidate the elector has given his vote, the vote shall be deemed to be invalid, and the voting paper treated as invalid.
- 23. **Declaration of result of election.**ô (1) When the counting of votes is completed, the Retuning Officer shall forthwith declare the candidates of whom the largest number of votes has been given to be elected. If there is an equal number of votes in favour of each of two or more candidates for one vacancy, the selection shall be determined by the Returning Officer by drawing lots.
- (2) The Returning Officer shall also inform each successful candidate by letter of his having been elected to the Council and report to the Union Territory Government the date of declaration of the election, and the result thereof.

- No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 9
- (3) After the result of the election has been declared by him, the Returning Officer shall seal the voting papers and all other documents relating to the election and shall retain the same with himself in safe custody for a period of six months, and thereafter cause them to be destroyed.
- 24. **Filling of casual vacancy**.ô If there is a vacancy of a member elected under clause (a) of section 19, the President shall, take steps to fill it up as soon as possible by election in accordance with the procedure laid down in rule 4 to 23.

# REPRESENTATIVE OF MEMBERS OF JAMMU AND KASHMIR MEDICAL COUNCIL

- 25. **Representatives of Members**.ô (1) The President shall by notice in writing inform the Medical Council for the Union Territory of Jammu and Kashmir duly constituted under an enactment or if it is not so constituted, any other authority exercising the functions of Medical Council till it is constituted, that the term of office of the member is due to expire on the date specified in the notice, such notice being given not later than sixty days before the expiry of such term.
  - (2) The notice shall be sent by registered post.
- (3) The name of the person elected shall within seven days of the date of election, be communicated by Medical Council duly constituted under an enactment or any other authority exercising the functions of Medical Council till it is constituted, to the Union Territory Government, and to the President.
- 26. **Election of President and Vice-President.**ô As soon as possible after the President or Vice-President, as the case may be, ceases to hold office either because of the expiry of the term of office or for any reason whatsoever, the Council shall proceed to elect his successor.
- 27. **Record to be maintained by President**.ô The Registrar shall maintain an up-to-date record book, containing the names of the members elected or nominated on the Council the date of election or nomination of each such Member, the terms of his office, and the date of death or resignation, if any, of such member.

- 28. **The limit for referring election disputes**.ô The time limit for referring any dispute regarding any election of a Member of the President or Vice-President to the Union Territory Government shall be thirty days in the case of elected members from the date of declaration of the result of election and in case of the President or Vice-President from the date of their Election.

#### CHAPTER III

- 29. **Meetings of the Council**.ô (1) The Council shall ordinarily meet for the transaction of business in the month of February and September in each year but the President may, whenever she/he thinks fit and shall, upon a written requisition of not less than seven Members and on a date not later than fifteen days after the receipt of such requisition, call an extraordinary meeting.
- (2) The exact date, hour and place of such meeting shall be decided by the President.
- (3) Notwithstanding anything contained in this Part, if the President in the exercise of his/her discretion shall deem that shorter notice is expedient, such notice shall be sent by telegram or other more expeditious means.
- 30. **Notices of meetings**.ô (1) All Members of the council shall be given thirty clear days notice of an ordinary meeting. Every notice shall also be posted at the office of the Council. Such notice shall specify the date, time and place of the meeting and business to be transacted thereat.
- (2) The President shall send to all members explanatory notes on the Agenda at least ten clear days before the date fixed for an ordinary meeting.
- 31. **Motions for insertion in agenda**.ô Any Member may send a motion to be inserted in the agenda for an ordinary meeting so as to reach the President twenty dear days before the date fixed for the meeting. The Registrar shall take the orders of the President for inclusion of such motion in the Agenda, and where any motion is disallowed the reasons for doing so shall so be communicated along with the decision to the Member who sent the motion.
- 32. **Attendance of meetings.**ô At each meeting an attendance register shall be placed in the meeting room and every member present shall sign against his/her name in the register.

- 33. **Business to be transacted at meetings**.ô At an ordinary meeting no business or proposition other than that specified in the Agenda and in the case of an extraordinary meeting in the written request made for convening such meeting shall be transacted:

Provided that, the Presiding authority may permit any business or proposition to be discussed which is an urgent nature and which could not reasonably be entered in the notice.

#### CHAPTER IV

#### Conduct of Business at Meetings

- 34. **Presiding Authority**.ô (1) Every meeting of the council shall be presided over by the President or, if he is absent, by the Vice-President or, if both President and the Vice President are absent, by a member to be elected by the members present from among themselves.
- (2) All references in this part to the President shall be read as referring to the Member fur the time being presiding over meeting.
- 35. **Quorum at meetings**.ô (1) For a meeting of the Council eight members including President shall constitute a quorum; provided that, in the case of a meeting adjourned for want of quorum, no quorum shall be required.
- (2) If at the time appointed for a meeting, there is no quorum, the meeting shall not commence until there is a quorum and if there is no quorum on the expiration of twenty minutes from the time appointed for the meeting or, during the course of any meeting, the meeting shall stand adjourned to such future date and time as the President may appoint.
- 36. **Decision at meetings**.ô All matters for consideration at a meeting of the Council shall be decided by a majority of votes.
- 37. **Minutes of meetings**.ô (1) The proceedings of the meeting of the Council shall be preserved in the form of typed or cyclostyled or printed minutes, which shall be authenticated after confirmation, by the signature of the President.
- (2) A copy of the minutes of each meeting shall be submitted to the President within fifteen days of the meeting and attested by him and it shall then be sent to each member within thirty days of the meeting.

- (3) The minutes of each meeting shall contain such motion and amendments as have been moved and adopted or negatived with the names of the mover and the seconder, but ordinarily without any comment and without any record of observations made by any member at the meeting.
- (4) If any objection regarding the correctness of the minutes is received by the President within thirty days of the dispatch of a copy of the minutes to a member in accordance with sub-rule (2), such objection together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation. At this meeting no question shall be raised, except as to the correctness of the records of the meeting:

Provided that, if no objection regarding the correctness of the minutes is received by the Registrar within thirty days of the dispatch of the copy of the minute, the decision taken by the Council at the meeting may, if expedient, be put into effect before the confirmation of the minutes at the next meeting.

#### CHAPTER V

#### **Executive Committee**

- 38. **Composition**.ô The Executive Committee of the Council shall consist of the President who shall be the *ex officio* Chairman of the Executive Committee and Vice-President, *ex officio*, and three members of the Council elected by ballot at the first meeting of the Council. Of the three members so elected there shall be at least two Registered Pharmacists. The Executive Committee so elected shall hold office till the election of the new Executive Committee.
- 39. **Disability to continue as Member**.ô A member shall cease to be a member of the Committee,ô
  - (a) if he ceases to be a member of the Council; or
  - (b) if he remains absent from two consecutive meetings of the Committee without the leave of the committee.
- 40. **Resignation of Member**.ô A member may resign at any time by a notice in writing to the President. Such resignation shall take effect from the date on which it is accepted by the President.

- No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 13
- 41. **Casual vacancies**.ô (1) The Council shall as soon as there is a casual vacancy in the office of a member of the Executive Committee fills it up by electing a member from amongst its members:

Provided that, any such vacancy, occurring within two months prior the expiry of the term of the members shall not be filled.

- (2) A member elected under sub-rule (1) shall hold office so long as the Member in whose place he is elected would held it, if the vacancy had not occurred.
- 42. **Acting as Registrar**.ô In ease of the death of the Registrar or his incapacity from illness or his proceeding on leave for more than one month a person may with the previous sanction of the Government be appointed by the Executive Committee to perform temporarily the duties of the Registrar. The Executive Committee shall grant leave to the Registrar in accordance with the provisions of the Civil Services Rules applicable to Union Territory Government servants, from time to time.
- 43. Calling of meetings.ô The Committee shall ordinarily meet once in every month on such date and at such place as may be fixed by the President. The President may, whenever she/he thinks fit and shall, upon a written requisition of not less than two members and on a date not later than seven days after the date of receipt of such request call an extraordinary meeting.
- 44. **Notice of meetings**.ô All members of the Executive Committee shall be given seven clear daysønotice of ordinary meetings and three clear days notice in the case of an extraordinary meeting. Such notice shall specify the place, date and time of the meeting, and state whether the meeting is a general meeting or a special meeting and the business to be transacted threat.
- 45. **Attendance at meetings**.ô (1) At each meeting an attendance register shall be placed in the meeting room every member present shall sign before his/her name in the register.
- (2) For a meeting of the Executive Committee three members including President and the Vice-President shall be a quorum.

- 46. **Business to be transacted at meetings**.ô At any ordinary meeting no business other than that specified in the notice calling such meeting and in the case of an extraordinary meeting in the written request made for convening such meeting shall be transacted:

Provided that, the presiding authority may permit any business to be discussed which is of urgent nature and which could not reasonably be entered in the notice.

- 47. **Adjournment of meetings**.ô (1) If there is no quorum present, the presiding authority shall adjourn the meeting to another day, and cause a notice to be posted on the notice board at the office of the Council and sent to each member of the Committee. The business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjournment meeting and may be disposed of at such meeting whether' there be a quorum or not.
- (2) Any special or ordinary meeting may, with the consent of a majority of members present, be adjourned from time to time, but only the business left undisposed of at the meeting from which the adjournment took place shall be transacted at the adjournment meeting subject to the proviso to rule 46.
- 48. **Decision at meetings.**—(1) All questions at a meeting of the Executive Committee shall be decided by a majority of votes of the members present, and voting.
- (2) The presiding authority shall have second or casting vote in all cases of quality of votes.
- 49. **Minutes of meetings**.ô The Executive committee shall keep minutes of proceedings of each meeting which shall be dealt with according to the same procedure as that indicated in Chapter IV for the minutes of the Council.
  - 50. Powers, duties and functions of Executive Committee.ô
- (1) The Executive Committee shall consider all petitions of applicants addressed to the Council and shall submit its report thereon to the Council.

- (2) Subject to the provisions of the Preceding rule, all petitions addressed to the Council immediately before or during the sessions of the Council shall be laid upon the table.
- (3) The Committee shall consider and prepare a report on any subject which may be seen to require the attention of the Council or on such subjects as may be indicated to it by the Council.
- (4) The Executive Committee shall, before each meeting of the Council prepares the business for the consideration of the Council.
- (5) The Executive Committee shall superintend the publication of the Register of Pharmacists which shall be prepared by the President who shall cause it to be printed. A statement of the distribution of the copies of the Register to the Government Offices as approved by the Government and to others as may be directed by the Executive Committee shall be added annually to the Register as printed.
- (6) The Executive Committee shall order each year such number of copies of the Register of Pharmacists to be printed as may seem to the Registrar/Pharmacists to be printed as may seem to the President to be required on a revision of the annual distribution list which shall be prepared by the President.

#### CHAPTER VI

#### Powers and Duties of President and Vice-President

- 51. **Powers and duties of President**.ô The President shall exercise such powers and perform such duties as are conferred or imposed on him by the Act and the Rules. He shall also do such acts as she/he considers necessary in the furtherance of the objects for which the Council is established.
- 52. **Powers and duties of Vice-President**.ô If the Office of the President is vacant or if the President for any reason is unable to exercise the powers to perform the duties of his/her office, the Vice-President will act in her/his place and shall exercise the powers and perform the duties of the President.

# CHAPTER VII

#### Registration

- 53. **Form of register**.ô The Register of Pharmacist to be maintained under sub-section (2) of section 29, shall be as in Form 6 appended to these Rules.
- 54. **Manner of writing register**.ô (1) The names shall be entered in the Register in the order in which the applications for registration are admitted end sufficient space shall be left for future additions and alterations in the qualifications and address of each entry.
- (2) Each page of the register shall be verified by the Registrar \( \omega \)/. President signature and each entry of renewal shall be attested by initials.
- 55. **Certificate of registration**.ô (1) On the registration of every pharmacist under the Act, the President shall grant such Pharmacist a certificate in Form 7.
- (2) In the event of a certificate issued under sub-rule (1) being lost or destroyed the holder may at any time during which such certificate is in force, apply to the Registrar/President under section 39 for a fresh certificate and the Registrar/President may, if she/he thinks fit on satisfactory proof as to the identity of the applicant, grant such certificate on payment of the fee prescribed in rule 62 for a duplicate certificate. The certificate issued under this sub-rule shall be marked õDUPLICATEÖ.
- 56. **Application for registration**.ô Every person entitled under section 32 to be registered under the Act and desiring to have himself/ herself registered shall apply to the Registrar/President in Form 8 duly filled in and signed. Every such application shall be accompanied by the fee prescribed therefore in rule 62.
- 57. Validity of registration.ô (1) The name of every person first entered on the Register under the Act shall, subject to the provisions contained in the Act as to the erasure of the entries and removal of names from the Register, remain valid, if she/he deposits a fee towards grant/retention as applicable in terms of the provisions laid down under Rule 62.

- (2) A person desiring to continue her/his registration after the date mentioned in sub-rule (1), shall remit to the Council the fee prescribed under rule 62 not later than 3 months of such validity. The person may remit the fee for 05 years for which she/he desires to have her/his registration renewed after paying the requisite fees prescribed in rule 62.
- (3) If the registered pharmacist fails to pay retention fee on or before the due date as referred to in Rule 62, she/he shall be liable to pay certificate retention/late fee calculated at the rate of Rs. 100/- as prescribed in rule 62 for every month or part thereof up to six months, and in the event of non-payment of such fee, the certificate shall deemed to have been cancelled:

Provided that in case of such candidates who were holding registration as Pharmacist under the repealed Jammu and Kashmir Pharmacy Act, Samvat, 2011, (1955 A. D.), the validity/extension of their registration shall be governed in terms of Executive Order issued by the competent authority (Union Territory of J&K/J&K Pharmacy Council).

- 58. **Additional qualification**.ô (1) An application for registration of an additional qualification under section 35 shall be in Form 9 and shall be accompanied by the fee prescribed in this behalf in rule 62 and documents of the diploma or degrees sought to be added.
- (2) On registration of the additional qualifications under sub-rule (1), the President shall grant such Pharmacist a certificate in Form 10.
- (3) Certified copies of entries in the Register in Form 11 may be issued to any person applying therefore on payment of the fee prescribed in rule 62.
- 59. **Change of name**.ô An application for a change of name of shall be made by the registered Pharmacist himself, and shall be accompanied by the fee prescribed therefore in rule 62 and also an affidavit sworn before a magistrate stating that the applicant is the same person whose name is registered with the particular number, and the circumstance for which the change is sought.
- 60. **Change of address.**ô It shall be the duty of every registered person who changes his address to intimate that fact to the President within one month after such change.

- 61. **Information to be published**.ô There shall be made every year and entered in the printed Pharmacy Register an enumeration of :ô
  - 1. the total number of persons in the published Register;
  - 2. the number of persons registered during the year;
  - 3. the number of persons whose names are restored to the Register during the year;
  - 4. the number of persons whose names have been removed from the Register during the year stating the section of the Act under which the name has been removed; and
  - 5. the number of persons whose names have been removed due to death during the year.

#### CHAPTER VIII

#### Fees

- 62. Fees.ô The following fees are prescribed by the Council :ô
  - i. For the first registration in the Register @ 3000/- (for first five years perpetually);
  - ii. For the first registration in the Register for non-Residents @ 3500/- (for first five years perpetually);
  - iii. For the first registration for passing outside the @ 3500/- (for first five years perpetually);
  - iv. For the first registration from Abroad @ 3500/- (for first five years perpetually);
  - v. For every additional qualification or status subsequently registered @ 1000/-;
  - vi. For every Good standing Certificate @ 3,500/-;
- vii. For restoration to the Register after removal @ 3000/-;

The modalities for any discrepancy observed to decide the fee for periods not following within the meaning of provisions mentioned in Rule, the competence shall rest with Executive

- - viii. For annual renewal/retentions @ 600/-;
  - ix. For retention late fee @ 100/- per month up to 6 months;
  - x. For registration of a change of name @ 500/-;
  - xi. For every certified copy of an entry in Register @ 500/-;
  - xii. For a õDuplicateö Certificate under Rule 55 (2) 1000/- for first time, 2000/- for second time and 5,000/- for third time together with stamp duty leviable under the Indian Stamp Act, 1899, or any other Law for the time being in force relating to the levy of the Stamp Duty.

#### CHAPTER IX

### Penal Removal from the Pharmacy Register

- 63. **Complaints against registered Pharmacists**.ô (1) The Council may *suo moto* or any complaint made to it in that behalf hold an enquiry with respects to conduct of any registered Pharmacist for the purposes of section 36.
- (2) Whenever information is received that the name of a person has been in the register of Pharmacist by error or on account of misrepresentation of a material fact or that a registered pharmacist or a person employed by him for the purpose of his business has been guilty of conduct which *prima facie* constitutes infamous conduct in a professional respect, if such person were a registered pharmacist, the President shall make an abstract of such information and of any further information he may have subsequently obtained.
- (3) When the information in question is in the nature of a complaint by a person or body charging the pharmacist with infamous conduct in any professional respect, such complaint shall be made in writing addressed to the Registrar/President and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the fact of the case. All anonymous complaints shall be disregarded.

- (4) Every declaration shall state the description and true place of abode of the declarant and where a fact stated in a declaration is not within the personal knowledge of the declarant the source of the information and grounds for the belief of the declarant in its truth shall be accurately and fully stated.
- 64. **Procedure for submission of complaint to Executive** Committee.ô (1) The abstract, and where a complaint has been lodged the complaint and all other documents bearing on the case shall be submitted by the Registrar to the President who shall, when he thinks this necessary, instruct the Registrar to ask the Pharmacist by means of a registered letter for an explanation he may have to offer.
- (2) The document including any explanation forwarded by the pharmacist to the Registrar/President shall then be referred to the Executive Committee.
- 65. **Powers of Executive Committee.**ô (1) The Executive Committee shall consider the same and shall have power to cause further investigation to be made and further evidence to be taken and if necessary to obtain legal or other advice. The executive Committee if it so desire may request the Drugs Control Administration of the Union Territory and authorize them to enquire into the matter on their behalf.
- (2) If the Committee is of the opinion that a *prima facie* case is not made out, the case shall not be proceeded further and the Registrar/President shall inform the complainant, if any, of the resolution of the Committee.
- (3) If the Committee is of the opinion that the circumstance suggest that a letter of warning be sent, the Committee shall sent it.
- (4) If the Committee resolves that the case is one in which an enquiry ought to be held, the President shall direct the Registrar to take steps for the institution of an enquiry and for having the case heard and determined by the Executive Committee.
- 66. **Enquiries**.ô (1) An enquiry directed under the foregoing rule shall be instituted by the issue of a notice in writing on behalf of the Executive Committee by the Registrar/President addressed to the Pharmacist, such

- (2) Any answer, evidence or statement forwarded or application made by the Pharmacist between the date of the issue of the notice and the day named for the hearing of the case shall be dealt with by the President in such manner as he shall think fit.
- (3) All material documents which are to be laid before the Executive Committee as evidence of the case shall be printed or typed or cyclostyled and a copy shall be furnished to each Member of the Committee before the hearing of the case.
- 67. **Legal assistance at Inquiry**.ô (1) At the hearing of the case by the Executive Committee, the Pharmacist and where the case is under rule 63 (3) also the complainant may be represented or assisted by a legal representative.
- (2) The Executive Committee may, if it considers necessary employ a lawyer to advise it in the conduct of the case.
- 68. **Procedure of Inquiry**.ô When in a case under rules 63 (3) the complainant appears personally or by a legal representative, the following will be the order of procedure :ô
  - (a) The Registrar will read to the Executive Committee the notice of the enquiry addressed to the Pharmacist.
  - (b) The complainant or his authorized representative will then be invited to state his case and to produce evidence in support of it.
  - (c) The Registered Pharmacist or his authorized representative will then be invited to state his case and to produce his evidence in

- - (d) At the conclusion of the Pharmacist case, the Executive Committee will, if the Pharmacist has produced evidence, hear the complainant in reply on the case generally, but will allow no further evidence except in any special case in which the Executive Committee may think fit to allow such further evidence. If the Pharmacist produces no evidence, the complainant will not be heard in reply except by special leave of the Executive Committee.
  - (e) Where a witness is produced by any party before the Executive Committee he will be first examined by the party producing him and then cross-examined by the adverse party, and then re-examined by the party producing him. The Executive Committee may decline to admit in evidence any declaration where the declarant is not present or decline to submit to crossexamination.
  - (f) The President and the lawyer where any is employed by the President may put questions to the complainant, the Pharmacist or any witness. A Member of the Executive Committee may also put questions to them but such questions shall be put through the President.
- 69. **Absence of complainant**.ô (1) Where there is no complainant or no complainant appears, the following will be the order of procedure :ô
  - (1) The Registrar will read to the Executive Committee the notice of enquiry addressed to the Pharmacist and will state the facts of the case and produces before the Executive Committee the evidence by which it is supported.
  - (2) The Registered Pharmacist or his authorized representative will then be invited to state his case and to produce evidence in support of it. He may address the Executive Committee either before or at the conclusion of the evidence he produces, but only once.
  - (3) The lawyer to the Executive Committee when one is employed, may be heard in reply if the Executive Committee so desire.

- 70. **Adjournment of meetings.**ô The Executive Committee may, if they think it necessary adjourn the hearing or further hearing of a case to another date, and inform accordingly the Pharmacist and the complainant, where any, when they are present; and when they are not present or when the date to which the hearing or further hearing is adjourned is not fixed forthwith, the Registrar shall intimate to them the date, by a letter to be sent by Registered post at least 28 days before that date.
- 71. **Decision of Executive Committee**.ô (1) Upon the conclusion of the hearing the Executive Committee will deliberate in private, and at the conclusion of the deliberation, the President shall call upon the Members of the Committee present to cast their votes on the following questions according to the nature of the charge, namely :ô
  - (a) Whether the Pharmacist or the person employed by him for the purpose of his business of Pharmacy, has been convicted of the offence stated in the charge;
  - (b) Whether the Pharmacist has been guilty of an infamous conduct in a professional respect;
  - (c) Whether the conduct of a person employed by him for the purpose of his business of Pharmacy has been such as would constitute infamous conduct if such person were a Registered Pharmacist;
  - (d) Whether the name of the Pharmacist has been entered in the register by error or on account of misrepresentation or suppression of a material fact.
- (2) If the majority of the Members present (including the President who shall have a casting vote in case of equality of votes), vote in the negative, the Pharmacist shall be discharged.
- (3) If the majority of the Members present (including the President) who shall have a casting vote in case of equality of votes), vote in the affirmative, the Committee shall proceed to consider the punishment to be imposed. Such punishment may be either removal of the name from the register permanently or for a specified period or merely warning or censure to the Pharmacist:

Provided that, when the charge is that the Pharmacist has been convicted of an offence, the Committee may, in consideration of the nature of the offence retain from imposing any punishment on him.

- (4) When the decision taken under sub-rule (3) is for removal of the name of the Pharmacist from the register, the Executive Committee shall order that the name be removed accordingly, after the same has been confirmed by the Council.
- (5) The President shall upon the removal of any name from the Register pursuant to the provisions of the preceding clauses or section 36 forthwith send notice of such removal to the Pharmacist and such notice shall be sent by a registered letter addressed to the last known address or the registered address of the Pharmacist. The President shall also send forthwith intimation of any such removal to the Licensing Authority of the Union Territory under the Drugs and Cosmetic Act, 1940, and also the Dean or Secretary or other proper Officer of any body or bodies from which the Pharmacist has received his qualifications as well as to the President of all the State/Union Territory Councils.

#### CHAPTER X

# Restoration and Re-entry or Name in the Register in Pharmacists

- 72. **Re-entry of name in the register**.ô The Executive Committee may, on application received from a person whose name has been removed from the Register under Section 34, direct the President if it thinks fit to reenter the name in the Register.
- 73. **Application for re-entry**.ô The application for re-entry, if a name is removed from the Register under section 34, shall be in Form 13 and shall be accompanied by the following documents, namely :ô
  - (a) applicant & diploma, degree or experience certificate or certificate of educational qualification; and
  - (b) his certificate of registration in original if the same has not been already returned under sub-section (5) of section 36.

- 74. **Restoration of name**.ô Any person whose name has been removed from the Register under section 36 but who still possesses a qualification entitling him to be registered under the Act, may make an application to the Council for the restoration of his name in the Register and the following procedure shall be followed in the case of every such application, namely :ô
  - (1) The application shall be in writing addressed to the Council and signed by the applicant and shall state the grounds on which the application is made;
  - (2) The application shall be accompanied by,ô
    - (a) a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered; and
    - (b) by one of the following documentsô
      - (i) applicant diploma/degree;
      - (ii) his certificate of registration in original if the same has not been already returned by him in accordance with the provisions of sub-section (5) of section 36;
      - (iii) a certificate in Form 14 from two Pharmacists registered under the Act as to his identity.
- (3) The statements in the application shall also be verified by certificates in writing to be given by two Pharmacists registered under the Act who are residents in the neighborhood of the place where the applicant has been residing since the removal of his name and who were and are well acquainted with him before and since the removal of his name. They shall testify to his present good character.
- (4) The application and the certificates referred to in sub-rules (2) and (3) shall be in Forms 15 and 16 with such variation as circumstances may require.

- (5) Application for restoration to the Pharmacy Register of a name removed under section 36 shall be entertained at the next session of the Council.
- (6) Before the application is considered by the council, the President shall notify the same to the Licensing Bodies whose qualifications were held by the applicant at the time his name was removed; and shall further by letter addressed to the person or body (if any) on whose complaint the applicant name was removed, give notice of the application and of the time when the Council intends to consider the applicant.
- (7) The Council shall consider the application and may, if it thinks the consideration of it to a future date or require further evidence or explanation from the applicant.
- (8) On restoration of a name in the register of Pharmacists, the President will forthwith send intimation of such restoration to the Licensing Authority under the Drugs and Cosmetic Act, 1940, and also to the Dean or Secretary or other Officer of any body or bodies from which the Pharmacist has received his qualification or qualifications as well as to the Registrars/ Presidents of all the State/Union Territory Councils.

#### CHAPTER XI

#### Registrar and Management of Office

75. **Registrar**.ô The post of the Registrar shall be of a permanent tenure. To be eligible for appointment to that Post, a candidate must possess a degree either Pharmacy or Science of a University established by Law and must have adequate administrative experience. Preference will be given to a candidate possessing a degree in Pharmacy. Possession of a degree in Law of a University established by law shall be considered as an additional qualification. In the case of new appointment there shall be a probationary period of one year. The Registrar shall be full-time Officer of the Council:

Provided that the President of the Council may authorize any Member to discharge the duties for the said post, till such time a permanent arrangement for the post of Registrar is made or perform such duties from his own.

- 76. **Duties of Registrar**.ô (1) The Registrar shall keep the Pharmacy Register in accordance with the provisions of the Act and these rules.
- (2) The Registrar shall be present at every meeting of the Council and of the Executive Committee and shall take minutes at such meetings.
- (3) The Registrar shall act as Secretary of the Council, shall conduct and have charge of the correspondence of the Council, and shall issue all requisite notice in the manner required under these rules.
- (4) The Registrar shall fulfill all the duties that may be required by him by the Act and these rules.
- 77. **Office hours and leave to Registrar**.ô Public holidays except the Office of the Registrar shall be kept open during the days when Union Territory Government Office are kept open with 5 days a week from Monday to Friday. The Registrar shall not absent himself from duties except with the permission from the President. The President shall grant leave to the Registrar in accordance with the principles laid down in the Jammu and Kashmir Civil Service Rules, 1956.
- 78. **Power of Registrar**.ô (1) The Registrar may obtain whatever temporary additional assistance that may be required by him, with the previous sanction of the President/Council.
- (2) The Registrar shall have the general control of the management of the Office, authority over the Treasurer, Section Officer, Clerks and other servants.
- 79. **Term of office and casual vacancies**.ô (1) Subject to the provisions of this section, a nominated or elected member, other than a nominated President shall hold office for a term of five years from the date of his nomination or election or until his successor has been duly nominated or elected, whichever is longer.
- (2) A nominated or elected member may at any time resign his membership by writing under his hand addressed to the President, and the seat of such member shall thereupon become vacant.

- (3) A nominated or elected member shall be deemed to have vacated his seat if he is absent without excuse sufficient in the opinion of the Union Territory Council from three consecutive meetings of the Union Territory Council, or if he is elected under clause (a) or (c) of section 19 or 21 of the Pharmacy Act, 1948 or if he ceases to be a registered pharmacist or causes to be a member of the Medical Council duly constituted under an enactment or Council of Medical Registration for the Union Territory of Jammu and Kashmir, as the case may be.
- (4) A casual vacancy in the Council shall be filled by fresh nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated or elected.
- (5) No act done by the Council shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council.
- (6) Members of the Council shall be eligible for re-nomination or re-election.
- 80. **Staff, remuneration and allowances**.ô The Council may, with the previous sanction of the Government,ô
  - (a) appoint a Registrar who shall also act as Secretary and, if so decided by the Council, Treasurer of Council;
  - (b) appoint such other officers and servants as may be required to enable the Council to carry out its functions under this Act;
  - (c) fix the salaries and allowances and other conditions of service of the Secretary and other officers and servants of the Council;
  - (d) fix the rates of allowances payable to members of the Council:

Provided that for the first four years from the first constitution of the Council, the Registrar shall be a person appointed by the Government, who shall hold office during the pleasure of the Government.

#### CHAPTER XII

#### **Common Seal**

- 81. **Custody of seal**.ô The common seal of the council shall be kept in a box having two different locks and the key of one of these locks be in the custody of the President and the key of the other lock in the custody of the Registrar who shall further authorize any responsible person from the ministerial staff for holding the same in a safe custody.
- 82. **Affixing of seal**.ô (1) The seal shall be affixed only by the Council or, when the Council is not sitting, by order of the Executive Committee, but its use by such committee shall be limited to such acts as may be necessary to carry into effect the powers delegated and duties entrusted to it by the Council.
- (2) Any order for affixing the seal shall state the object of its use, and shall be entered in the minutes of the Council of the Executive Committee, as the case may be.

#### CHAPTER XIII

#### Accounts

- 83. **Donations**.ô The Council is authorized to receive for the purpose of its expenses, benefactions and contribution from private persons and bodies already proceeds of the sale of reports and other publications. All credits/debits in the account (Revenue/Donations/Fee) shall be made through online module i. e. (Internet Payment Gateway). Bank charges on account of transactions shall be borne by the Bank/end-users.
- 84. **Opening of bank accounts.**ô An account shall be opened in the Jammu and Kashmir Bank or State Bank of India (any nearest branch) located in the name of the Council and such of its money may be invested also in Government as the Executive Committee thinks fit.
- 85. **Security for fidelity bond**.ô The treasurer appointed under section 26 shall furnish a security for 1,000/- or shall execute a fidelity bond for a similar amount to the satisfaction of the Council. He shall receive all moneys payable to the Council, or deposited in the manner provided in rule 83.

- 86. **Statement of accounts**.ô (1) The treasure shall superintend the details of income and expenditure of the Council and shall at each ordinary meeting of the Executive Committee submit a Financial Statement showing the transaction of the Council for the month previous to one in which the meeting is held. This statement shall if possible be sent out with the notice calling the meeting.
- (2) The Treasurer shall in the month of July in each year prepare a statement of the income and expenditure of the preceding financial year ending 31st March, and draw the attention of the Council to such matters as seems deserving the notice.
- 87. **Annual audit of accounts**.ô As soon as possible after the statements of income and expenditure of the preceding financial year ending 31st March are approved, the President of the Council are authorized to audit the accounts from the empaneled Chartered Accountant.
- 88. **Estimate of revenue and expenditure.**ô (1) The annual accounts and estimate for the next financial year shall be made up by the treasurer and laid before the Executive Committee by the Registrar.
- (2) In the month of February, in each year, an estimate of the revenue and of the expenditure of the Council for the year commencing on 1st April next ensuring shall be laid before the Council.
- (3) Such estimate shall make provision for the fulfillment of the liabilities of the Council and for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grant as Government may allot and all fees received from registration and other sources.
- 89. **Supplementary estimates.**ô The Council may at any time during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the Council in the same manner as if it were an original annual estimate. No expenditure shall be incurred by the Council which is not duly provided for in the budget or in a supplementary budget estimate.

- 90. **Scrutiny of claims**.ô A bill or either voucher presented as a claim for money shall be received and examined by the treasurer. If the claim be for a sum not exceeding Rs. 500/- and the bill is in order, he shall pay it. If the claim be for a sum exceeding Rs. 500/- payment shall be made after it is sanctioned by the President.
- 91. **Accounting of all sums received or spent.**ô The treasurer shall immediately bring into account in the general cashbook all money received or spent by the Council.
- 92. **Signing of Cheques/Invoices.**ô All Cheques/Invoices on the Bank shall be signed by the President or his nominee.

By order of the Government of Jammu and Kashmir.

(Sd.) ATAL DULLOO, IAS,

Financial Commissioner, Health and Medical Education Department, J&K.

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## **APPENDIX FORM-2**

## RULE 6

Notice of Election

Election of a member or member of the
Union Territory Pharmacy Council

Notice is hereby given pursuant to the provisions of Rule 6 of the
Rules and Regulations of theJammu and Kashmir
Pharmacy Council that the election ofmembers or the State
Pharmacy Council to serve during the period expiringday of
is about to be held.
Nominations of eligible persons to fill the vacancy are invited.
Each candidate must be nominated by a separate nomination paper, but any person entitled to vote at the election may sign the nomination paper of any number of candidates not exceeding the number to be elected and for which he is entitled to vote.
Every nomination paper must be in the Form 2 to Rule 6 (2) giving all the details required therein.
The nomination paper must reach the undersigned not/later than day offrom whom forms of nomination papers may be obtained on application.
Nomination papers in respect of which provision of Part-I of the Rules have not been complied with, or which are not received by the Returning Officer by the aforesaid date will be invalid.
Returning Officer,
Address
Date

## FORM 3

## RULE 6

	Form of nomination paper
	of member or members of thePharmacy nion Territory of Jammu and Kashmir.
1. I the u	andersigned being a Registered Pharmacist, hereby nominateô
(a)	Registered as a Pharmacist his registered number being;
(b)as a candidate for election as a membof theState Pharmacy Council at t forthcoming election.	
	Signature
	Address
	Registration No
	Date
We th	he undersigned second the proposal of Shri
Signature	Signature
Address	Address
Registration	
	No Registration No
Date	No         Registration No           Date
I the unc	· ·
I the unc	Date dersigned hereby consent to accept nomination as a candidate
I the unc	Date  dersigned hereby consent to accept nomination as a candidate of theJ&K Pharmacy Council.
I the unc	Date  dersigned hereby consent to accept nomination as a candidate to theJ&K Pharmacy Council.  Signature
I the unc	Date  dersigned hereby consent to accept nomination as a candidate to theJ&K Pharmacy Council.  Signature  Address
I the unc	Date  dersigned hereby consent to accept nomination as a candidate to theJ&K Pharmacy Council.  Signature  Address
I the unc	Date  dersigned hereby consent to accept nomination as a candidate to theJ&K Pharmacy Council.  Signature  Address  Registration No

óóóóóóóóó

### FORM 4

#### RULE 6

### Form of Voting Paper

# ELECTION OF MEMBER OR MEMBERS OF THE\_\_\_\_\_\_ JAMMU AND KASHMIR PHARMACY COUNCIL

Official mark of the	e Returning Officer Election	n of (a)	Member
Column for Voterøs	Name of Candidate (s)	Address	Registration
Mark (X)			Number
óóóóóóóóóóóóóóó	όόόόόόόόόόόόόόό	ρόόόόόόό Ι	óóóóóóóóóó
óóóóóóóóóóóóóóó	όόόόόόόόόόόόόόό	ρόόόόόόό Ι	óóóóóóóóóó
óóóóóóóóóóóóóóó	όόόόόόόόόόόόόόό	ρόόόόόόό Ι	óóóóóóóóóó
óóóóóóóóóóóóóóó	όόόόόόόόόόόόόόό	ρόόόόόόό Ι	óóóóóóóóóó
óóóóóóóóóóóóóóó	όόόόόόόόόόόόόόό	ρόόόόόόό	óóóóóóóóóó

- (a) Number of candidates to be elected.
- (b) Names to be printed in a alphabetical order.

### Instructions

- (1) Each elector has \_\_\_\_\_\_votes.
- (2) He shall vote by placing the mark X opposite the names of the candidates whom he prefers.
- (3) The voting paper shall be invalid if the mark X is placed opposite the names of more than \_\_\_\_\_ candidates or if the marks are so placed as to render it doubtful to which candidates they are intended to apply.
- (4) The elector shall enclose the voting paper in the identification cover and then enclose that cover in a bigger cover in the left hand lower corner of which the elector shall write his full name and signature. If the elector fails to write his full name and signature the voting paper shall be invalid.
- (5) A voting paper will be invalidated if the voter returns the voting paper otherwise than in the õldentification Envelopeö with the declaration thereon duly completed.

- - (6) Every Elector shall send his voting paper in a separate cover direct to the Returning Officer.
  - (7) If the Returning Officer receives more than one voting paper from any elector, all such voting papers shall be invalid.
  - (8) If more than one mark is placed before the name of any candidate, the whole voting paper will be disqualified.
  - (9) This paper must be folded õFace Inwardsö and placed in the accompanying õldentification Envelopeö which must be securely closed and then placed in a covering envelope.

óóóóóóó

### FORM 5

## RULE 6

Form of Declaration of Identification Envelope

	JAMMU AND KASHMIR
PHARMACY COUNCIL.	
1. (a)	of
hereby decla	are that I am the person to whom
the enclosed voting paper was Pharmacist;	s addressed that I am registered
(b)	and that I have not returned any
other voting paper in this election	l.
	Signature
	Address
	Date
Signed in presence of (c)	
(1) Signature	
(2) Signature	
(a) Insert full name.	
(b) Insert Register Number.	
(c) There must be two witnesses	

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## FORM 6

## RULE 53

# Form of Register of Pharmacist

1.	Serial number
2.	Name in full
3.	Residential Address
4.	Date of first admission to the register
5.	Qualifications for Registration
6.	Name of the Employer
7.	Professional Address
8.	Date of Birth
9.	Nationality
10.	Date of Renewal of Registration
11.	Remarks (note removal or restoration of names with dates)

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### FORM 7

# RULE 55 (1)

Pharmacy Council of the Union Territory of Jammu and Kashmir

	SEAL	
No		Date
óóóóóóóóóóóóóóóó	óóóóóóóóóóóóóóóóóóó	óóóóóóóóóóóóóóóó
This is to certify	that Mrs./Mr./	
S/o, D/o, W/o		
R/o	ha	s been duly registered
as a Pharmacist under S	ection (31/32) of the Phar	macy Act, 1948.
On the basis of hav Master in Pharmacy/Pha	ring Diploma in Pharmacy/arm. D course.	Bachelor in Pharmacy
REC	GISTERED PHARMACIS	ST
regulate the practice of	privileges granted under Pharmacy in the Union To. VIII of 1948 as amende	erritory of Jammu and
	are herewith affixed the	
Pharmacy Council and the Conneil.	ne signature of the Registra	or of the said Pharmacy
Seal óóóóóóóóóóóóóóóóó	R 666666666666666666666666666666666666	egistrar/President óóóóóóóóóóóóóóóóó
Pharmacy Counamed Pharma	te is the property of nciland cist in accordance with ru tharmacy Rules.	is issued to the above

- 2. In case of removal of name from Register, this certificate shall forthwith be surrendered.
- 3. Every Registered Pharmacist shall notify the Registrar/President about any change in his address.
- 4. This certificate shall remain in force till \_\_\_\_\_\_days of grace up to\_\_\_\_\_.

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#### FORM 8

# FORM OF APPLICATION FOR REGISTRATION OF PHARMACY

(Under Section 32 of the Pharmacy Act, 1948)

Draft of the Revised application Form Forming

Rule 56

To

The Registrar/President, Jammu and Kashmir Pharmacy Council.

Sir,

- I request that my name may be registered as a Pharmacist under the Pharmacy Act, 1948 and that I may be furnished with a certificate of registration.
- 2. Necessary particulars are given on the reverse of this application.
- 3. I enclose herewith for your perusal and return the certificates in original and their copies for record in your office.
- 4. I hereby declare that I have read carefully and understood the instructions and particulars supplied to me and that all entries on the reverse of this application are true to the best of my knowledge and belief.
- 5. I agree that I will follow the rules of the J&K Pharmacy Council which may be laid down for the guidance of the registered pharmacists from time to time.

	Yours faithfully,
Dated	Address

### **INSTRUCTIONS**

- 1. All particulars of the application must be filled in by the applicant in neat legible hand.
- 2. The names and particulars entered in this application must correspond with the name and particulars of the applicant entered at the University or other examination.

- 3. Registration fee of Rs. 3000/- in case of Fresh Registration and Rs. 3500/- in case of Migration of Registration/Non-Residents is to be deposited in the Bank through online mode, Registration fee is not refundable whether the application for registration is accepted or rejected.
- 4. Under the Pharmacy Act, 1948 as it stands at present only persons who have passed the Matriculation, 10+2 examination and professional qualification or their equivalent examination are eligible for registration.
- 5. Sections 31, 32 and 41 of the Pharmacy Act are attached with this application for the information of the application.
- 6. A copy of rule 57(1) and (2) regarding renewal of registration is attached for information.

(1)	Name in full
(2)	Father & Name
(3)	Place and Date of Birth (proof of age to be attached)
(4)	Nationality
(5)	Permanent Residential Address
(6)	Address of the Hospital, Dispensary or other place in which employed at present
(7)	Year of passing the Matriculation Examination or an examination prescribed as being equivalent to Matriculation Examination
(8)	Years of passing 10+2 Examination or an Examination prescribed as being equivalent to 10+2 Examination
(9)	Description of qualification as a Pharmacist
(10)	Name of the examining body
(11)	Name of the institution under which training undergone
(12)	Year of passing the examination
	Signature 66666666666666666666666666666666

## FORM 9

RULE 58(1)

Application for Registration of Additional Qualification

То	
The	Registrar/President,
Jam	mu and Kashmir Pharmacy Council.
Sir,	
I beg to	apply for the registration of the additional qualifications of
	_which I have obtained fromin
_	oloma or Certificates of the Qualifications are enclosed se may be returned as soon as done with.
	ready registered under the Pharmacy Act, 1948 and my Number is
The pres	scribed fee of Rs is sent herewith.
	Yours faithfully
Dated:	(Signature of the applicant)

**ό**όόόόόόόό

## FORM 10

RULE 58 (2)

Registration of Additional Qualifications

(Under Section 35 of the Pharmacy Act, 1948)

The additional Diploma/Certification	te appearing below have been inserted
in the Register of Pharmacists for the	ne
Union Territory against names of Sh	ri/Shrimati
Registration No	
Diplomas or Certificates already Dipl	omas or Certificates now
Registered	Registered
óóóóóóóóóóóóóóóóóó	óóóóóóóóóóóóóóóóóóóóóó
óóóóóóóóóóóóóóóóóó	óóóóóóóóóóóóóóóóóóóóóó
όόόόόόόόόόόόόόόόόό	όόόόόόόόόόόόόόόόόόό
Date	óóóóóóóóóóóóóóóóóóóóóóóóóó
	Registrar/President

### FORM 11

RULE 58 (3)

Certified copy of entries in the Register

### OFFICE OF THE PHARMACY COUNCIL

No.

CERTIFIED to be a true copy of the entry in the Pharmacy Register of the name specified below :ô

Name Address Date of Registration Qualification

Registrar/President

**N. B.** :ô This certified copy remains evidence of registration only until the publication of the printed Pharmacist Register for 19. It is not nor must it be used as evidence of the identity of the holder with the person named therein.

**ó**óóóóóóó

### **ENQUIRIES**

Notice to a Pharmacist to attend proceedings for removal of his name from the Pharmacists Register under Section 36 of the Pharmacy Act, 1948.

Sir,

On behalf of the Executive Committee of the Union Territory Pharmacy Council I give you notice that information and evidence have been laid before the Executive Committee by which the complaints make the following charge against you namely (here set out the circumstances briefly) an that in relation there to you have been guilty of infamous conduct in a professional respect.

Or that you were on the day\_\_\_\_\_\_of\_\_\_\_convicted of the following offence at viz. (set out particulars of the conviction).

And I am directed further to give you notice that on the\_\_\_\_\_day\_\_\_\_of\_\_\_\_19 a meeting of the Executive Committee will be held at at\_\_\_\_\_\_oclock in the\_\_\_\_\_to consider the abovementioned charges against you, and decide whether or not they should direct your name to be removed from the Register pursuant to section 36 of the Pharmacy Act, 1948. You are invited and required to answer in writing the above charges and to attend before the Executive Committee at the above-mentioned place and time to establish any denial or defence that you may have to make up to the above-mentioned charges and you are hereby informed that if you do not attend as required the Executive Committee may proceed to hear and decide the said charges in your absence.

Any answer or their communication or application which you may desire to make respecting the said charges or your defense thereto must be addressed to the Registrar/President of the Council and transmitted so as to reach him not less than\_\_\_\_\_days\_\_\_\_\_\_before the day appointed for the hearing of the case.

President.

### FORM 13

### RULE 73

Application for re-entry in the Register of Pharmacists of his name removed under Section 34(2)

To

Sir,

I, the undersigned (a) holding the qualifications of (b) do solemnly and sincerely declare the following :ô

In the year (c) my name was duly registered in the Register in respect of the following qualification, viz. (d) and on the date of erasure of my name, I was registered in respect of the following additional qualifications, viz. (e).

The Registrar removed my name from the Register on (f) for default in payment of renewal fee.

Since the removal of my name from the Registrar/President, I have been residing at (g) and my occupation has been (h).

It is my intention if my name is restored in the Register to (i).

Declared at on

Yours faithfully

Witness (j)

Signature (Signature)

Address

Registration No.

- (a) Insert full name
- (b) Insert qualifications
- (c) Insert date of Registration
- (d) Insert qualifications

- (e) Insert additional qualifications
- (f) Insert date of removal
- (g) State address
- (h) Give Particulars
- (i) Insert particulars as to proposed future profession
- (j) A registered pharmacist

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### FORM 14

## RULE 74 (III)

# Certificate in support of application

I hereby certify that the aforesaid applicant is the above specified whose name formerly stood in the Register of Pharmacist under the Pharmacy Act, 1948, with the following address and qualification:ô

Name	 -
Address	 -
Qualification	 -
Date	 -
	1. Signature of the
	person certifying
	Registration No
	2. Signature of the
	person certifying
	Registration No
	<i>-</i>

**ό**όόόόόό

## **FORM 15**

Rule 74 (III)

Statutory declaration by applicant for Restoration of name to the Registrar/President of Pharmacists under Section 36 of the Act
То
The Pharmacy Council,
(1) I, the undersigned (a) row holding the qualifications of (b) do solemnly and sincerely declare that the following are the facts of my cas and in reason of which I seek re-entry of my name in the Union Territory Pharmacy Register.
(2) In the year of (c) my name was duly registered in the Register in respect of the following qualification, namely, (d) and on the date of the removal of my name herein after mentioned I was registered in respect of the same qualifications (e) and also in respect or the following additional qualifications, namely.
(3) At an enquiry held on the (f) day of the Council directed manner to be removed from the Register on a complaint made to the Union Territory Pharmacy Council by (g) of and the offence for which the Council directed the removal of my name was (h).
(4) Since the removal of my name from the Register I have been residing at (i) and my occupation has been
(5) It is my intention if my name is re-entered in the Register (j).
(6) The grounds of application are (k).
óóóóóóó Signe
Declared atonbefore me
Presidency Magistrate or Commissioner of Oaths or Justice of Peace.

- - (a) Insert full name
  - (b) Insert qualifications, if any
  - (c) Insert date
  - (d) Insert Original qualifications
  - (e) To be added to, if necessary
  - (f) Insert date of enquiry
  - (g) Insert name and address of the complainant
  - (h) Insert charge on which name was removed
  - (i) The blanks in this paragraphs must be filled in accordance to circumstances
  - (j) Insert particulars as to propose future professional occupation.
  - (k) All facts and grounds on which the application is made should be clearly and concisely stated.

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No. 33-e] The J&K Official Gazette, 13th Nov., 2020/22nd Kart., 1942. 51 

## **FORM 16**

# RULE 74 (III)

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Certificate	1 <i>n</i>	support	ΩŤ	ann	ucation
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	Certificate in support of application					
I	of	certify				
as follow	vs :ô					
(i)	My Registration No. is	·				
(ii)	and say that I have been and am well acquainted w both before and since his name was removed fro that I believe him to be now a person of good ch	we read paragraphs (4) and (5) of the application ofay that I have been and am well acquainted with the saidbefore and since his name was removed from the Register I believe him to be now a person of good character and that statements in the said paragraphs are to the best of my yledge, information and belief true.				
Address:	:					
	Signature	e				
	Registra	tion No.				